CITY OF FAIRBORN
COUNCIL WORK SESSION
September 15, 2025, at 5:00 p.m.
Fire Training Room

COUNCIL MEMBERS	Present	Absent
Dan Kirkpatrick, Mayor	☒	☐
Clint Allen, Councilman	☐	☒
Sylvia Chess, Councilwoman	☒	☐
Adam Fritzsche, Councilman	☒	☐
Rodney McCubbins, Councilman	☒	☐
Mary Reaster, Deputy Mayor	☒	☐
Tana Stanton, Councilwoman	☒	☐

STAFF MEMBERS PRESENT

Gebhart, McNamee, Schell, and Taylor.

Mike Gebhart, City Manager, stated we have not updated Council Rules officially since 2012. So, when they sat down to start to put this together, they thought the best thing to do was to put it into a handbook form rather than the way it used to be so that is why they are seeing it a little differently than it was in the past.

REVIEW OF COUNCIL RULES

Mike McNamee, City Solicitor, walked Council through the updated version of the Rules of Council Handbook. Mr. Gebhart explained that if Council is agreeable to the revisions Council would need to approve this by Resolution at a future meeting. Whether that is October 6, 2025, or October 20, 2025, one of the two meetings of Council.

The revisions or updates included:
Page one to include the City in Motion mantra.
Table of Contents
Preamble – provided a general explanation that Council should report any problems to the City Manager so he can contact the appropriate staff member.
Fairborn is a full-service city with nine departments and is also acknowledged.
Purpose and Authority – Purpose is to establish procedures, and they tried to hit every major of the City organization.
Next is the Organization of Council in Section 3
Section 4 – Administering the Affairs of the City – to make the chain of command reflective.
City Manager serves the pleasure of City Council and to remove the City Manager from office the charter spells out that procedure. If the City Manager is going to be out for an extended period of time, he designates who the acting City Manager will be. A lot of cities don't have that. Council is the legislative and policy setting body of the City and Mr.

Gebhart's responsibility is to execute the legislation and implement the policies that Council directs.
Personnel System – Mr. Gebhart is responsible for personnel rules. The City Solicitor reports to the City Manager, but he also serves as legal counsel to the City Council as a body and then to each City Council member as it pertains to their official duties. Anytime they have questions on their official duties they are free to call him.
Meeting of Council – the new work session schedule is included.
Administrative things of how meetings are called.
Executive Sessions are mentioned in the Charter as specific provisions of what they can call for in Executive Sessions under Section 2.12(a). He incorporated the Ohio Revised Code that includes six different matters as reasons for Executive Session.
Section Six discusses the Order of Business which is dictated by the codified ordinances.
Section Seven - The law director is always the parliamentarian of the meeting. The City Solicitor is the decision maker on the rules during the City Council meeting.
Section Seven also discusses the Actions of Council and method of voting. Definition of Actions that require an Ordinance and the procedure of passing an Ordinance are discussed next. Emergency Ordinances are discussed in Section 7.
They will kick off a charter review commission in 2026.
Resolutions go into effect immediately so the revision will need corrected to reflect that.
Ordinances are effective 30 days after passage.
Section 8 – Public Participation/Citizens Comments
Mayor Kirkpatrick asked about the second paragraph stating that no person shall address Council more than once per meeting without leave of Council. Mayor Kirkpatrick asked for an explanation of that statement. Mr. McNamee stated the person should ask permission and then the Mayor could grant that as the Chair. Mr. McNamee stated the Mayor could but that invites back and forth. Mayor Kirkpatrick asked if that was the proper wording. Mr. McNamee stated if it were up to him, he would not do it. Councilman Fritzsche stated that is a slippery slope once you do that for one person and not another it could create a problem. Mayor Kirkpatrick spoke about the Residency Verification section. He stated the wording raises the question of can a non-Fairborn resident address Council. Mr. Gebhart stated that questions came out at the first night of the Leadership Academy. They had a resident say that she might want to address Council, but she is the only one that lives in her house and if anyone was watching it live then people might know she is not at home and she does not like that. The question became, could you hand the Clerk your address to verify that it is in Fairborn rather than saying it aloud. Mr. Gebhart stated the way they usually do things is the resident gets primary focus and then the people who do not live in the City speak next. The only place they ran into this was with the cat issue. Mr. Gebhart stated this section could be tweaked.

Councilman McCubbins asked Julie Taylor if the address is included in the minutes. She responded that she does. Councilman McCubbins stated the minutes could reflect Fairborn resident instead of the address if necessary. Councilwoman Stanton asked if they would say during the Council meeting the Fairborn residents speak first. Mayor Kirkpatrick stated that is a possibility. Mr. Gebhart stated he would think that through as we very seldom have excessive guests speaking. Mr. McNamee stated he understood the concern of it being broadcast that a person is not at home.

Emily Gay, Communications Manager, stated for ADA compliance we might want to add in that if people need ADA compliance that we have a timeline that they need to provide us for us to be able to get them access for reasonable requests including interpreters.

Please contact Julie Taylor or the City Manager's office at least 72 hours before, maybe the Friday before so we can have someone available. Mr. Gebhart stated they would work on tweaking that also. Deputy Mayor Reaster stated it would have to be the Friday before because they would not know that they wanted to come and speak until the agenda was posted. Ms. Gay stated so they could get an interpreter or someone who could do sign language if needed.

Councilman McCubbins stated that in other Rules of Council it is required that if someone wishes to speak, they must let the Clerk know. Mr. McNamee stated some cities use a sign in sheet. Mayor Kirkpatrick stated we have never done that. He thinks Beavercreek does that. Councilwoman Chess stated it may be something to consider as they grow.

Section 9 discusses the conduct of council members. Section 10 discusses the duties of the Clerk of Council. Section 11 discussed Censure and Discipline. Section 12 discusses Amendments and Adoption. Section 13 discusses Public Records and Transparency.

Mike Gebhart stated this revision did not address Prescheduled Business and Proclamations. He stated he would send out those two changes tomorrow and if everyone is good with those being placed into the document they will take in all the corrections mentioned and then by Friday, Council will receive an updated version in word and if everyone is good with it we will put it on as a Resolution on the October 6, 2025 Council agenda. They will have a whole week to review it.

Councilwoman Stanton asked about the mission statement. Mr. Gebhart stated he would send Council out some of those choices and if they can come to a consensus they will add it to the document. Mr. Gebhart stated they could take the mission statement out as well as it could change every year.

Mr. McNamee continued with Public Records and Transparency, which falls under both Julie Taylor and his review. Section 14 talks about Council Communications and Media Relations. Section 15 discussed Council Orientation and Training. Section 16 is Miscellaneous Provisions including virtual meetings. Section 17 discusses Boards and Commissions. Mr. Gebhart stated pages 17 and 18 include references. Most communities use a handbook like this, and it is more easily read. He explained the last rules of Council or current rules of Council Marilyn McCauley worked very hard on an update that could have taken place in 2014 and for whatever reason it did not She supplied him with her edits, and they took those into account as well. In his 12 plus years he only remembers one instance where it was decided that it is a business meeting first and then it goes to public comment, then to City Manager's Comments, then to Council and then Adjournment. Before that public comment used to start before the business meeting started back in 2013 Council said it is business meeting first and they changed that back right after he came on board. That is by Resolution the only deviation that was made to the Rules of Council since he began in February of 2013.

Mr. Gebhart stated they would make the discussed changes and get them back out to Council by Friday evening so they can have plenty of time to review. Please provide any comments or concerns by Wednesday so they can be addressed. It will be on October 6, 2025, meeting to approve.

CITY MANAGER COMMENTS

Mike Gebhart, City Manager, stated he had a couple of things. The work session on the 6th we need to get started on the marijuana dispensary zoning code language, so he is asking Kathleen Riggs to be here to review that with everyone. They are in a time crunch if we want to make it, so it is effective December 31, 2025. Next work session will be the marijuana zoning discussion and there will also be about 10 minutes where they will discuss the Tree City USA Ordinance that needs to make us a Tree City USA city. He will send out that draft tomorrow morning also. It would be the first reading on October 6, 2025, with the second reading and public hearing on October 20, 2025, and then if it passes it would be effective November 20, 2025, and the codified ordinances would be updated. If there are any comments or questions, please let him know by Wednesday.

COUNCIL COMMENTS

Councilwoman Chess stated it was a very good job on the Rules of Council. She asked about the Council Conversations including a police officer. They want to meet the citizens but how do they deal with safety in the current climate? Mr. Gebhart stated he thought about that, and the citizens' engagement sessions are not going as well as he thought they would. People just aren't attending. He thinks in November they will need to tweak civic engagement as far as Council Conversations and other meetings go. He thinks she has a great point. We have an officer in the Council meetings. It is going to be a discussion they will have to talk about more. Mike McNamee, City Solicitor, stated he did speak with the Chief of Police about the logistics of staffing that and the Chief did have some concerns. Mr. Gebhart suggested a virtual Council Conversation as well.

Councilwoman Stanton stated it was a great work session.

Mayor Kirkpatrick acknowledged some guests in the audience and thanked them for their attendance. The guests did a community event in Waterford Landing over the weekend. It was a great event. The guest asked those in the room to introduce themselves.

ADJOURNMENT

Councilwoman Chess moved to adjourn the meeting. Councilman Fritzsche seconded. Yeas, six: Chess, Fritzsche, McCubbins, Reaster, Stanton, and Kirkpatrick. Nays, none. Motion carried. The meeting was adjourned at 5:55 p.m.

MAYOR

CLERK, CITY OF FAIRBORN