CITY OF FAIRBORN
COUNCIL MEETING
February 2, 2026, at 6:00 p.m.
Council Chambers

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

Deputy Mayor Reaster moved to excuse Councilman McCubbins from the meeting Councilman Allen seconded. Yeas, six: Reaster, Allen, Chess, Dodd, Stanton, and Kirkpatrick. Nays, none. Mayor Kirkpatrick excused Councilman McCubbins from the meeting.

STAFF MEMBERS PRESENT

E. Gay, Gebhart, McNamee, Roman, Taylor and White.

Everyone stood for the Pledge of Allegiance and a moment of silence.

APPROVAL OF MINUTES

Councilwoman Chess moved to approve the minutes of the January 20, 2026, Council Work Session. Councilwoman Stanton seconded. Voice Vote. Motion carried. Mayor Kirkpatrick declared the minutes approved as written.

Deputy Mayor Reaster moved to approve the minutes of the January 20, 2026, Regular Council Meeting. Councilwoman Stanton seconded. Voice Vote. Motion carried. Mayor Kirkpatrick declared the minutes approved as written.

PRESCHEDULED

Mike Gebhart, City Manager, stated there were several milestones for February. The Finance Director, Hilary Browning, was the only staff member that could be present here this evening. He presented Mrs. Browning with her one-year milestone. He could not say how much he relies on Hilary. She has made our Finance Department even stronger in her time with us. The last year has been interesting, and she has rolled with every punch, every nuance, and every unexpected hiccup. He thanked her for everything that she has done. He read the milestone letter recognizing her ongoing commitment to

excellence and dedication to the community and her department. He congratulated her on her one-year milestone.

NEW BUSINESS

ORDINANCE 03-26 PROVIDING FOR THE SUBMISSION TO THE ELECTORS OF THE CITY OF FAIRBORN, OHIO, PROPOSED AMENDMENTS TO SECTION 2.07(D) OF ARTICLE II OF THE CHARTER OF THE CITY OF FAIRBORN, OHIO, ENTITLED "RECALL" AND AUTHORIZING CERTIFICATION TO THE GREENE COUNTY BOARD OF ELECTIONS FOR PLACEMENT ON THE BALLOT FOR THE MAY 5, 2026 PRIMARY/SPECIAL ELECTION, THE QUESTION OF AMENDING THE CHARTER OF THE CITY OF FAIRBORN TO ESTABLISH AN ELECTED OFFICIAL RECALL PROCESS, AND DECLARING AN EMERGENCY.

Deputy Mayor Reaster motioned to read Ordinance 03-26 for the first time by title only declaring an emergency. Councilman Allen seconded. Voice Vote. Motion carried. Mike McNamee, City Solicitor, read Ordinance 03-26 by title only declaring an emergency.

Mike McNamee, City Solicitor, stated he was happy to be before Council presenting this particular Ordinance for review. They have been talking about this matter for quite some time and what he was speaking about was establishing a new recall process for the City of Fairborn. He explained establishing a recall process was necessary because of a recent decision by the Ohio Supreme Court issued on July 17, 2025. This decision clarified the ways in which municipalities can adopt the recall process. This impacts our City particularly. He explained that currently the City does not have a valid recall process. He reviewed the attached Exhibit "A" power point presentation which discussed the process of establishing the path forward. Mr. McNamee strongly recommended Council approve Ordinance 3-26 as an emergency so that they can get a recall procedure on the books and move forward.

Councilman Dodd had no questions. He read all the documents. He appreciates all the hard work Mr. McNamee did to get them where they are now. Mr. McNamee stated that he knows this has not been an easy thing to get their head around, but they have it right and they are doing the right thing. Councilman Dodd stated it took him two or three times to read it to understand it.

Councilman Allen stated it is the will and the right of the voters to have an opportunity to take care of business such as this.

Deputy Mayor Reaster echoed Councilman Allen's comments.

Councilwoman Chess thanked Mr. McNamee for his hard work.

Councilwoman Stanton had a couple of questions. She asked Mr. McNamee to explain how the process was vetted. Mr. McNamee stated the vetting process here is really to take a look at what other communities have done and make sure that due process has been involved. He explained the Maumee decision is distinct. It was not because of the

language itself. It is because the law of the State of Ohio was invoked by reference but wait a minute you are not the type of community under 705.92 that can do that. That has been done for 50, 60, or 70 years. There are a lot of communities in Ohio that are going to be going through this exact same process. Councilwoman Stanton asked about the expense of a special election versus being included in a regular election. Mr. McNamee stated with this one there is no cost. Councilwoman Stanton asked the cost to someone if there is a need for a special election. Mr. McNamee stated he would check with the Board of Elections and get back with her on the questions. He stated as he recalls it is tens of thousands of dollars as he recalls. Councilwoman Stanton was only looking for a ball- park figure.

Mayor Kirkpatrick stated the City of Maumee found out the hard way that their process did not work and went all the way to the Supreme Court. Mayor Kirkpatrick stated there needs to be a process in place where all communities if they are not satisfied with their elected officials, whether it is one or all or whatever, there needs to be a process in place. It is interesting that the City of Maumee went through the Supreme Court of Ohio informed them that they were wrong and by default we found out that the City of Fairborn is wrong as well. He thanked Mr. McNamee for putting all of this together.

Deputy Mayor Reaster moved to adopt Ordinance 3-26 declaring an emergency. Councilman Allen seconded. Yeas, six; Reaster, Allen, Chess, Dodd, Stanton, and Kirkpatrick. Nays, none. Motion carried. Mayor Kirkpatrick declared Ordinance 3-26 duly adopted.

APPOINTMENT OF DEPUTY MAYOR

Councilwoman Chess motioned to appoint Rodney McCubbins as the Deputy Mayor. Councilman Allen seconded. Yeas, six: Chess, Allen, Dodd, Reaster, Stanton, and Kirkpatrick. Nays, none. Mayor Kirkpatrick announced Rodney McCubbins was duly appointed as the Deputy Mayor.

Mayor Kirkpatrick took the opportunity to thank Deputy Mayor Mary Reaster for the outstanding job she did in 2025. She stepped in for the Mayor on several occasions, and she has been an extremely valuable member as the Deputy Mayor.

APPOINTMENTS TO THE CRA HOUSING COUNCIL

Councilman Allen made a motion to appoint Jalen White and Hilary Browning to the CRA Housing Council serving at the pleasure of the Mayor. Deputy Mayor Reaster seconded. Yeas, six: Allen, Reaster, Chess, Dodd, Stanton, and Kirkpatrick. Nays, none. Mayor Kirkpatrick announced Jalen White and Hilary Browning as appointed.

Deputy Mayor Reaster made a motion to appoint Marie Gay and Kevin DeWine to the CRA Housing Council serving at the pleasure of the City Council. Councilman Allen seconded. Yeas, six: Reaster, Allen, Chess, Dodd, Stanton, and Kirkpatrick. Nays, none. Mayor Kirkpatrick stated those appointments are approved as they outlined them.

CITIZENS COMMENTS

Mayor Kirkpatrick opened Citizens Comments.

JoAnn Collins, 173 Erie, stated Fairborn; to know it is to love it. She went through a listing of local Fairborn Downtown businesses including:

- Schwartz Jewelry – Pete Bates
- Hollon Flowers – Carolyn Hollon
- Mother's Memories
- Giovanni's – his daughter stepped up when Tony passed away.
- Chantilly's – three Presidents deserts were made there.
- Fairborn Senior Center – Ellen Slone Farthing and staff are the best.
- Belton Funeral Home – supporting those who have lost loved ones.
- Miami Valley Dance – Kelly teaches the children, supports the schools.
- Domicone Printing - also has daughter who owns Jubie's.
- TCA Graphics – Sportswear, banner program, trophies, hats
- Family Diner – homecooked meals, meeting room
- Town and Country Animal Clinic – David Coker – family practice
- Gordon's Leather and Shoe Repair
- The Bookery
- Genuine Auto & Alterations is run by Sutterman's.
- Hamilton/Ramirez Dental
- Dr. Brown
- AJ Coffman does towing – goes the extra mile.
- Trim's Property Maintenance – cleaned up downed tree.
- Churches are supportive.
- Foy's – specialty in this town
- Terri Lynn Art Studio – paints and is a guardian for the Veterans.

James Baker, 427 Grant Street, issued this statement to clarify recent events involving the Fairborn City Council and address ongoing concerns about accountability, transparency, and public trust. Over the past several months he repeatedly requested a public apology from City Councilwoman Sylvia Chess for statements she made in Dallas, Texas in which she publicly identified him as a Proud Boy and implied racists ideology. These statements were false, derogatory, and damaged his reputation. To date, there is no apology or acknowledgement issued. This issue has never been about race. It has always been about accountability. When an elected official makes false public allegations against a private citizen, it undermines the trust in government and divides the community. Silence does not correct the record. It allows misinformation to stand. In addition to this unresolved matter, residents recently asked members of Council to outline their priorities or what they would be working on and where they saw the City at the end of 2026. With the exception of Councilman Brian Dodd those questions were not addressed. Citizens deserve transparency, direction, and clear communication from their elected officials. Concerns have also been raised regarding the atmosphere at the recent City Council meeting. Law enforcement officers were positioned at both ends of the mezzanine where City Council, the City Manager and the Mayor sit. Councilwoman Chess and her husband were escorted through restricted areas and out to the parking

lot. Meanwhile, citizens attending lawfully and respectfully were left questioning why such measures were necessary. Public meetings should never feel intimidating to residents exercising their first amendment right. If an atmosphere of fear exists it did not originate with the citizens, it is the result from unresolved actions and public narratives created by an elected official. Portraying Fairborn as unsafe because residents ask questions reflects poorly on the City leadership and does not represent who we are as a community. He is asking for three straightforward actions: public acknowledgement and apology for false statements made against him; clear communication from Councilmembers regarding their priorities and goals for the City of Fairborn and a renewed commitment to professionalism, transparency, and strong public trust. He cares about the City of Fairborn and its residents and the integrity of its local government. Accountability should not be controversial. It should be standard.

Michael Foy, 16 S. Pleasant, has said this 100 times, 1,000, but he loves Fairborn. Last night at the end of the Grammys they said the only thing bigger than hate is love. That made his night and he has been saying it all day. Love your family, love your neighbor, and love your town. His family came to Fairborn in 1929. His grandfather's sweet shop in 1912 was 114 years old last year and it finally went out of business. His grandfather sold it to another family who had it for almost 100 years and now there is a Mexican Restaurant at that location in Versailles, Ohio. He thinks, wow, his grandfather started two stores in his life, and both were still going until last year. Fairborn is a great place to raise a family, his grandfather did, his dad did and he did and he did, and he did, and he hopes his son does also. They have been here for 193 years if you add just the males up in his family, which is a big thing. To him in the last 50 years things have changed in Fairborn, but they have changed everywhere, not just Fairborn. It is hard for businesses right now, when you watch the news, you see places folding and it scares him. In three more years, his store turns 100 years old and he turns 70. He hopes things go well as there are just three more years before they hit 100 and he is sure they will be there. Let's love each other instead of hate. God Bless you all. Love you all.

James Pickens, 1918 Glenrose, Fairborn, stated a couple of days ago he ran into Mike Foy. He has known Mike for about 20 years. One of his most impactful impressions of Mike Foy is that he had about $5 and he was in his shop trying to get his son a last-minute Halloween costume. He saw Mike and he said James, what are you doing? Mr. Pickens responded, "I'm just trying to get a quick costume, maybe a mask for my son. He said, let me show you the vampire one that he put on in this picture. He also said let me show you the one that my family put on here. Each time he was handing Mr. Pickens a different piece of the mask. He was like here take this; your son will love it. It was one of the best Halloween costumes he gave his son. Mr. Pickens said all that to say he has been a part of Fairborn for a long time. He grew up in Fairborn in Wright View. He came here from Dayton. A family of five who came to live in a neighborhood that wasn't very diverse at the time. They went through a lot of different things. Mike is right, love has always trumped every situation. He is reminded of Jackie Brockman at the YMCA who gave extremely affordable daycare for he and his brothers to go there and play all throughout the day while their parents managed to put together a loaf of bread and some cheese. He is reminded of people like Jimmy Baker who rented an apartment to his brother that could allow him to have a safe place to live when he was growing up and getting some individuality. He is reminded of countless people, Mayor Dan Kirkpatrick, when he and

his wife were in the process of buying the venue that is Main House Events, they faced an ultimate amount of scrutiny from zoning to boards to this and that. Each step of the way when they wanted to look at it and say the City is against us, they don't want us to open, they aren't trying to help us. It is just like them not to want us to get this building. There were lots of reasons they could have thought that, but the light in Dan Kirkpatrick said keep trying, keep pushing, talk to this person, maybe that person, the Council, the City and since then they have had the Rotary Club there, the City Council, his wife sits on the downtown board. What he is saying is that he came through what they know Wright View to be, one of the least diverse places, to own the building in downtown Fairborn where people thought was one of the least diverse places. He is a black man with a black wife with black children raised by a black mother. He came from the bottom of what people would say Fairborn is to what he would call the pinnacle. Each time it was love that got them over every type of disagreement. This is his house, so if he thinks someone is negatively trying to impact it he will stand up and that was what happened a couple of days ago when he talked to Mike Foy and he said I'm headed to the Council meeting James, do you want help me with something come down there and share your message. So that is what he did tonight. He came down to return an old favor to an old friend that helped him years and years ago. So, that was his story. He said God Bless.

Erin Smith-Glenn, 2270 Nutmeg Court, stated she was invited here by her good friend, Sylvia Chess. Usually, when she invites her to things she comes out. Otherwise, she would have missed the meeting to rush home to eat, but she stated she could wait a little bit of time to come here. She was not sure what to expect besides the standard Council meeting. She is happy she got to come to see the evolution of diversity here. Like her friend was saying about the Main House events. She remembers it as a funeral home, but if you step in there now you would never know that it ever was a funeral home. Especially since Mrs. Sylvia came through and she felt like there was really finally for her and her family a sense of community. The one thing she and Sylvia talked about was making sure that people come to Fairborn more and making sure that Fairborn also goes out to other communities to show the different dynamics of the place. She is originally from Columbus, and she has lived here for over a decade raising her three children here. When they left the neighborhood for a little while they really wanted to come back so much so that they were back here in about three months after they left. She enjoys the sports and confidence that it builds in her kids. What she is enjoying more so these days is the growing diversity here in Fairborn. It didn't always feel like home to her, especially coming from a place like Columbus, which didn't always feel like home to her, to tell the truth. She has found ways to make Fairborn her home and build her own community within this community. She has been enjoying it more in recent years. We all do different kinds of cool things. Business owners, diners, people that are seamstresses. She is a professor of art and an active artist. It is important when you have the opportunity to do something a little different than your regular dinner and movie night or going to a bar night. Maybe you set a date up at an art gallery or a museum. Yesterday at the Springfield museum of art, Williams B. Davis, who is a giant in the City of Dayton, in the Midwest and in Ohio curated an exhibit called Black Life as Subject Matter and it was third addition. The second addition they won a Governor's Award for Best Exhibit in the State of Ohio. That was in the year 2022. This is the third addition. She invited everyone to go out and view the exhibit. Even if you think you are not going to like it. Even if you think you have an idea of what it is going to look like it really doesn't matter what you go there thinking

about just go and prepare to have your mind expanded by the 15 or so artists that are there filling up this very large gallery space at the Springfield Museum of Art. The reception yesterday was grand. It will be up until May she believes. The Dayton Metro Library also has an art exhibition which is very diverse. She has been in conversation with the Fairborn Library about them installing a small gallery so artists can bring in artwork and it be rotated out and work with some of the students from Central State University, Wilberforce University or even at the Fairborn High School just to show that there is a lot more happening here than what people see on the surface. She thinks it would be a good thing to do. Make a date and figure out what is going on that is outside of your norm. If it makes you feel a little bit uncomfortable then maybe you should push yourself to do it because many of those of color have been in uncomfortable situations and the discomfort is unfortunately their norm. Kind of make it a priority to step into something new that will surprise you and maybe you will learn something about yourself as well.

Mayor Kirkpatrick closed citizens comments.

CITY MANAGER COMMENTS

Mike Gebhart, City Manager, reviewed the February milestones. All of the milestone recipients are outstanding folks as well as all the members of our staff. He thanked them and congratulated them on their anniversaries as City employees.

He discussed the recent snowstorm. He thanked Terry Adkins, Scott Shillito, Buck Smith, and the staff of the Public Works Department for their efforts beginning Saturday night, the 24th, and continuing for almost 48 hours during that snowstorm. They worked round the clock beginning at 9:00 p.m. Saturday night the 24th through 5:00 p.m. on Monday, the 25th. They were back at work the following morning, Tuesday morning at 5:00 a.m. We used nine trucks throughout the City. He cannot say how much salt they used because they used a lot. So, thanks to those workers. They even brought in two mechanics on 12-hour shifts so that if there were problems with the trucks that needed to be fixed, they could be fixed and back out on the road. He thanked them for everything they did and they continue to do.

He thanked Chris Barker and his team at Parks and Recreation for assisting with plowing through the storms also. The Parks and Recreation team made sure all the Fairborn Government facilities, especially the Fire Stations and the Police Department, were plowed so that public safety personnel could still continue to operate during the storm. Of course, he thanked the men and women of the Police and Fire Department for everything they did. They were out in the elements and continue to do an outstanding job. He is grateful every day that they are here protecting us both in the Police and Fire Departments. We are a much better City because of all of them.

He also congratulated the Building Inspection Division and the City Planner, Kathleen Riggs, as the City of Fairborn was notified on Friday that the City was the recipient of the SolSmart Silver designation which recognizes our efforts to mainstream local solar permitting that support Clean Energy options. This was accomplished through a lot of

staff work and coordination. It did not cost the City anything other than the staff time to do that. They were very pleased they received that on January 30, 2026.

Again, the Council Retreat will be held Friday, the 20th, at the Fairborn Double Tree by Hilton. That is the old I-675 Holiday Inn Conference Center at 2800 Presidential Drive here in Fairborn. It is from 8:00 a.m. to 4:30 p.m. The sessions begin at 8:30 a.m. The public is welcome if they would like to attend. They will not go past 4:30 p.m. but there is always the chance that they may wrap up early. They plan to be there from 8:30 to 4:30 on Friday the 20th. Mr. Gebhart yielded his time to Mike McNamee, the City Solicitor and Law Director, to provide a brief presentation.

Mike McNamee, City Solicitor, reviewed the attached Power Point presentation labeled Exhibit "B" addressing the fees paid to the McNamee Law Group. He provided a cost comparison from three different viewpoints. He reviewed the personnel that are included in their fees. He provided a cost comparison to nearby peer cities. Mr. McNamee brings 35 years of experience to the table. His wife, Cynthia McNamee, has 33 years of experience. Others in the firm have 15-20 years of experience all the way down to two years which is his son Nolan McNamee.

Mr. McNamee addressed the issue that a local citizen raised allegations suggesting there was an ethics violation. That claim is based on a partial reason of the statute and does not account for subsection c which directly addresses circumstances involving contracts with law firms. While they believe the allegation is unfounded, it is appropriate to address the concern for transparency and responsibility. See the attached Exhibit "B" for further details. It is not a violation. The first thing they did was call the Ohio Ethics Commission and the second thing they did was call independent council to get a quick read on it. Judge Capelli did the same things in parallel to him. Unbeknownst to him, she contacted the same law firm, and it was straight forward that it is not a violation. They are going to be transparent and the City and MLG are requesting a formal advisory opinion from the Ohio Ethics Commission. That will be submitted in the next week or so and it will be about 45 days to get that decision.

The next item to be cleared up was in regard to an allegation about a business owned by Sylvia Chess and this goes back two years. Council received a full legal opinion from him on this matter that Sylvia Chess and/or the business that she owns Extra Pro Dev 101 Center, LLC was the improper recipient of ARPA Funds as part of the Covid Recovery process. He did his legal review and a legal opinion dated 10-21-23 checking all aspects. He did a supplement to that and a response to the person who had a public records request and Council has seen that. There are two charges leveled at this transaction. The first one was that the business was not in operation as of January 1, 2020. That is a false allegation because to really understand what in operation means you had to dive into an ocean of federal regulation onto defining what is in operation. That does not mean you have to be in operation cranking out the widgets according to federal regulations so long as you are doing the due diligence to start the business, engaging in lease negotiations to house your business, and eventually generating revenues. Well, this business did just that. There was mention in his legal opinion that the business was previously based in Texas, but there is no documentation on that, but his opinion did not rely on Texas. His opinion relied on her actions in this City during that timeframe. She

met that rate. The business received a second ARPA award for façade improvements, and he looked at that and it was completely compliant as well. The second claim that was raised was that there was no demonstrated decrease in revenue that was not substantiated. Mr. McNamee stated that it is not the case, both Development and Finance vetted the loss of revenue and tax returns to that affect. It is a whole lot of talk about nothing, but he thought he would clear the air and put it out in front of Council.

Councilman Dodd thanked Mr. McNamee for all of his work.

Councilman Allen thanked Mr. McNamee for the presentation. Part of what they do here as a City is the cost of doing business. Councilman Allen owned a business and there are some things that they would hope to not have to pay for such as lights, water they wish it were free; but he appreciates Mr. McNamee going through the presentation and that is the detail they need when they talk about legal work. Mr. McNamee stated he believed the City Manager was working on a FAQ sheet that is going to be published. Councilman Allen stated it goes back to his opinion/view that they fight for feedback. They ask citizens for feedback. They do that on a daily basis, and they do their best because they promise transparency and openness and to be clear on all of their answers. Sometimes people will like it and sometimes they won't. That is just the way it is. He appreciates the details he shared and the details that he provided.

Deputy Mayor Reaster stated she looks around the room, and she thinks most if not all of them at some point or juncture have utilized an attorney and received the bill and know how expensive it is. So, for a municipality to have such a large bill should not be shocking to any of us. She knows what her bill was when she got her divorce so multiply that out by the number of hours and time that Mr. McNamee's firm puts in, she thinks it is far beyond reasonable. She appreciated the detailed breakdown. It helps people who are visual to see and understand and go to bat for the money they do pay for Mr. McNamee's services. Mr. McNamee pointed out that Fairborn is one of two full-service cities in the Greater Miami Valley. The other one is Dayton. Mayor Kirkpatrick asked Mr. McNamee to explain "full-service." Mike Gebhart, City Manager, responded when they talk about being a full-service city, they do everything in house except for plumbing inspection. So, every service that this City provides including the Municipal Court, most communities don't have a Municipal Court that they share with other jurisdictions. Fairborn has their own water system, building inspection division, Fire and Police, Finance, IT, Human Resources, Parks, and Public Works. All of those are in house. They do not utilize any other communities' departments. Our good friends at Beavercreek utilize Greene County Water and Sanitary Sewer System. They also utilize the Beavercreek Township Fire Department. That is just to clarify that we provide those services. We don't contract with anyone to provide those services for our residents. So, when we talk about a full-service city including the Municipal Court, that is what we are talking about is all the services that we provide. For years we used Greene County Public Health for just the plumbing aspect of building inspection because it is so difficult to find qualified inspectors to do that. The only point he also wanted to clarify is Mike McNamee's contract does not pay the judges. That is separate, this is just for the legal department. There are separate funds that pay Judge Capelli and Judge Hunt. The $661,000 is specifically for our legal department through McNamee Law Group. We do everything other than plumbing inspection and

that is where the term "full-service" comes from. Mr. McNamee stated his work touches each and every one of those departments.

Councilwoman Chess thanked Mike McNamee for the hard work he has done for the City. He has done an amazing job. She continued to speak about the ARPA thing. She does not think everyone understands what it is like to be accused of something you did not do. It is horrible. They plastered her name all over the front page of the Dayton Daily News with the accusation about ARPA funding when she did everything right. When they found her not guilty of doing it wrong the apology was in the inside of the paper instead of the front page. This happened before she decided to run for Council. It was not in her plan to run for Council during that time. She took advantage of an opportunity the City gave her to take their property and beautify it downtown. The property was neglected and they did everything they could do to try to do something to help downtown. It has been very challenging. We all know that downtown does not have a lot of foot traffic. So, businesses do sometimes suffer and to be accused of something like that and your reputation be distorted every chance a person gets is horrendous. Her reputation has been at stake. Everyone's experience is different. Ever since she stepped forward to talk about Juneteenth in this City someone has something to say about her dialect and her culture. They did an article on it in the Fairborn Times. You do not understand what that feels like to come to a City that is growing and that is embracing diversity to have to deal with something like that. What did she do to make these individuals upset; she has no idea to this day. She does not understand it, and she does not even try to understand it. She does know this and that is that she has spent her days in Fairborn giving countless numbers of volunteer hours and everything to this City. They pay their taxes on their buildings and their home. They do everything right, but somehow or another someone finds something wrong with Sylvia Chess. It is really a shame that she lives, sleeps, works, and plays in someone's head all day long and all night. It is absolutely absurd. Then you tell people you love Fairborn so much when people come here and move to this town and gives as many hours as she has in community service and the dollars she has spent in this town and you continually push and try to find something on them that distorts their name and their character. You don't think about their families. You don't think about how it hurts their reputation. You don't think about how it hurts their jobs. You don't think about any of that. She is suffering right now trying to get through cancer treatments. They don't think about any of that and then we have to spend hours of Council's time. Mr. McNamee could be focusing on the City, and you are bringing up all of this stuff that doesn't mean anything when someone is actually doing the right thing and following the rules. It is not fair, but you want people to come to this town. She knows everyone's experience is different, but you have to look at it through her eyes and what she has been through. She never said a word. She has always forgiven and she kept going. She wanted to speak to that before they come to Council comments because she has more to say.

Councilwoman Stanton thanked Mr. McNamee for the truth. She thinks when there are rumors out there the best thing they can do is take the time and be as transparent as possible.

Mayor Kirkpatrick stated that when Mike Gebhart took over as the City Manager one of his big goals was to make Fairborn as transparent as possible. Tonight was a good example of that. Letting people understand how the legal fees are spent and for what they are spent. Council appreciated all of the hard work Mr. McNamee put into that, and he hopes that it puts it to rest that compared to other cities Fairborn is at the lower end when you look at all the services that are provided. He thanked Mr. McNamee for the clarification on the ARPA issue. He hopes this puts it to rest. Mr. McNamee stated they would see what tomorrow brings.

COUNCIL COMMENTS

Councilwoman Chess thanked the milestone recipients. She is in the Hilary Browning fan club. She made her life so much easier because she is so elementary in explaining the budget to Council and what each line item was. It has been tough for her during this first year understanding the culture and where she came from.

She thanked JoAnn Collins for recognizing the downtown businesses. She is sure there is a plethora of small businesses that deserve recognition as well. She did not have time to give them all. We do have a bunch of small businesses in Fairborn. She remembers the first time she met Terri Lynn. She purchased some pictures from her when they first bought their building. She does offer a lot. She appreciates all the small businesses that have contributed to the City of Fairborn. You have to have thick skin when you open up a small business. It is expensive. Kudos to those who have kept going and kept Fairborn alive.

She addressed Mr. Baker saying that he asked Council to speak of their vision of going forward in Fairborn. She thinks she concurs with her colleagues. They work on a non-partisan Council. They come together and they make decisions together. They may have to agree to disagree on some things that they believe in for their City, but they come together and get the job done. Of course, her passion is small businesses and enhancing those businesses if she can along with the rest of their team members as well as homelessness and fair housing and things like that. They also focus on the growth of our town and moving forward. Those are the things that she continues to try to work in. She tries to continue her education so she can understand those action items a lot more so that she can be a better steward of what to do for Fairborn.

She stated Mr. Baker comes to every single meeting and says the same thing. What she decided to do was to listen to everyone's complaints and whatever they had to say about the situation that happened at Paul Quinn College in Dallas, Texas. She has never ever said that he was a Proud Boy member. She never called his name. His name was never mentioned. It is not in the transcript. His name was never ever mentioned. So, she wanted to clear that up. Secondly, she never said that all of Fairborn was racist. If you look at the transcript, she never said that. She did, however, give her experience and the experience when you look at the ARPA funding thing that she went through and when she ran for City Council she was harassed beyond measure. Again, included with the ARPA Funding just by a few people, it was not everybody in Fairborn because when she came to Fairborn people were really kind to her. But there were a few that said some

horrible things. They plastered her all over social media again with allegations, just all kinds of stuff. Each one of those things has been proven to be false. She says if you have a problem with her, come to her she has always had an open-door policy. You can talk to me and all of that, but she has only given an account of what happened to her. But, in that speech she also said we won. Although we went through all of those things, we won. We meaning Fairborn. That is what she meant. They can say that is not what she meant, but that is what she meant. She would never ever say that the entire City of 35,000 plus people are racists. That is absurd to say something like that. If you read the transcript you will see in there where it says we. We won and we did. When she said we she meant Fairborn. So, stop spreading that, start researching and asking questions and talk to her. You make a decision based on something someone says, research it before you start plastering things on social media. She did hear what everyone had to say because that is their right. Their first amendment right to freedom of speech and she respects that. She gave them an opportunity to say what they had to say. She did not interrupt them. She did not call them a liar. She did not do any of those things. She did not attack anyone on social media. She listened to them. She listened to everything they had to say and now she is speaking up. She gets attacked on a daily basis about something from certain people in this town that says they love Fairborn. All of the thousands and thousands of backlashes on social media most of them were very very racist and she has not said a word. That was a private institution, and she was sharing her experience of what she went through to a group of people who needed to hear it. She wants them to understand that. She was processing. Why do people have to be so ugly when all she has in her heart is love? She does not have hatred in her bones. She loves everybody. It does not matter where you come from or your background. It doesn't matter if you did whatever you did, she has always loved everyone. It does not matter if you have a difference of opinion, she still loves them. What happened to her in this town from that group of people was not fair and it was not right. They know exactly who they are and they come back here every single meeting with something against her. When it is proven that they are wrong they never come back and apologize. Oh, Mrs. Chess, I apologize I was wrong. No, they continue it until they say, ah hah I got her on something again. Ah hah I got her on something again. Ah hah I got her on something again. It has been continuous for five years. Oh, she didn't pay her taxes right here. It didn't make any difference if she told them or not that they were trying to work on something because there were some discrepancies on their part. They just say, oh she's lying. So, look at this through her lens now. She has heard what they had to say. Take a backseat and look through her lens. Like she said before, everybody's experience has been different, but does she think that all of Fairborn is like that, no, no that is the farthest thing from the truth. She leaves them with that. She does think that everyone has the right to use their first amendment rights and speak how they feel and that is ok.

She thanked Mike Foy for his words of love. She felt those in her heart. She thanked him for being kind to her and he has always shown her compassion since she has been in this town. She appreciates him. She thanked Mr. Pickens for his words. They were heartfelt and his experience was absolutely amazing for Fairborn. She thanked him for sharing his history of what he has experienced and the experiences of his wife in Fairborn. They need to hear those stories. She stated Ms. Smith was not present now, but she thanked her for coming out as well. She invited more people to attend the Council

meeting to hear what is going on in your town and your City. She thanked everyone for listening.

Councilwoman Stanton thanked everyone for coming and for their comments tonight. She thanked JoAnn for saying so many nice things about the businesses. She thanked Mike and James for sharing their experiences here and to Erin for the invitation to the Springfield Museum of Art. It sounds interesting. She doesn't usually get out of town much but that is out of town for her. She congratulated the milestone recipients. She also tacked onto what Sylvia said about Hilary Browning. Mrs. Browning explains things so well. They know her job is extremely complicated and she is doing things to help the City in a good footing, but she can explain things so well that you are right there with her. She hopes this is something that never happens. She said from what they have seen in other cities she feels very nervous about the Haitians in Springfield. In the next few days, their status is probably going to be revoked so we will have ICE and border patrol over in Springfield. It is not unreasonable to think that some people might come here to try to get away and we might have some kind of confrontation here. This is not a political thing. She is just really thinking about our residents and their safety. She hopes everyone is safe. She stated they are going through conversations about the things that Sylvia Chess is talking about and it has led to realizing that our recall process isn't good. They are having a lot of discussions that always come back on Sylvia's speech at the college. She is focusing on this on the processes and the facts related to our processes. She is trying to focus on that because it has unearthed that some of our processes could be better. One of them needed to be completely revised. She is saying that because two things can be true. It can be true that we need to go through these things, but it can also be true that she has had very positive experiences with Sylvia over time. She is focusing on the processes. We need our processes to be good, and people need the right to do a recall and do the things they feel are right. In her brain she is struggling but, in her brain, she is trying to separate the personal from us just having good processes here at the City. She hopes that is not taken as she is publicly trying to shame someone over and over again.

Councilman Dodd thanked everyone for their attendance at the Council meeting. Council does listen to everything they have to say. He congratulated the City employees on their milestones. Those are some great milestones. He thanked Terry Adkins, the Public Works Director and Chris Barker, Parks and Recreation Director and their employees, for the amazing work they did getting our City cleared from a very large record-breaking snowstorm. Next, he thanked the citizens of Fairborn for all the help they provided to their neighbors. He has heard numerous great stories of people helping people. Like, Mike Foy said this is what Fairborn is all about. Helping each other and that is a great thing. He is also glad that Council approved Ordinance 3-26 tonight. This was something that was desperately needed and we will see where that goes.

Councilman Allen appreciated everyone coming out tonight. He appreciates everyone who came up and spoke. He thanked James for his testimony. He stated Mike Foy and his business is an icon in this City. He remembers when he had the ice cream shop of Main Street and folks came as far away as Lima, Ohio, right across the border in Indiana. They stopped by the ice cream shop, which was a requirement, but they came here specifically for the Foy's stores. That is how wide reaching the Foy business is. Hats off

to Mr. Foy and his family's legacy. One hundred and fourteen years is phenomenal when it comes to owning a business and Mr. Foy pressing up on the threshold of 100 years is remarkable. Just think of all the people that you have served in that time. Mr. Foy is truly an icon in this city and your business in Ohio. He thanked the snow team who was literally out in the frigid temperatures. It was not only the snow, but the frigid temperatures. Hats off to them. They were dealing with water main breaks in the midst of frigid temperatures. Our first responders, our Police, and our Fire, all of them speaks to a full court press that the City put on to make sure that the roads were clear and people were safe and things were taken care of. They discussed SolSmart already. He thanked staff for setting this up for those families that want to take the solar route and take care of business in the solar route.

Lastly, he stated Mary Reaster mentioned it a little bit earlier tonight about the 250th anniversary of this country. He wanted to be intentional about recognizing and teasing out the things that have made this country great. All of those cultural recognitions that we have throughout the year play a part in our growth as a nation. He wanted to say something specifically about Black History Month because that is what we are in the throws of. He wrote it because he wanted to be intentional about what he shared. The 250 years since our country signed the Declaration of Independence has been anything but straightforward. America's path has included bold progress, setbacks, and new directions. Marked by moments of both pride and remorse. Our identity is shaped as much by protests as it is by patriotism. With ongoing debates about what it means to be an American and our continuous efforts to improve. Our American story is vibrant. It is complicated and at times it is truly inspiring. A blend of ambitious goals, hard lessons, and constant renewal. Over two and a half centuries we moved from a revolutionary beginning to global influence. All while grappling with the tensions that are at our core, liberty versus slavery, inclusion versus exclusion, ideals versus interests. This year's 250th anniversary invites us all to reflect on this complex journey. February is Black History Month which invites us to stop and listen to the stories that help shape our nation. To voices long underrepresented and to the ongoing lessons we can learn. This month is not only about commemorating historical events. It also an opportunity to acknowledge the strength, ingenuity, and perseverance that Black Americans have contributed to every aspect of our society. By highlighting the accomplishments, challenges, and daily experiences of Black individuals, famous or overlooked. Black History Month honors their resilience and creativity in confronting exclusionary systems. At the same time, it celebrates joy, culture, and progress within our community. This month highlights how Black stories and achievements and perspectives have contributed to our world. Often in ways that go unnoticed. It is an opportunity for learning, reflection and understanding that Black History is truly American history present every day and not limited to just February. As Black History takes place and America nears its 250th anniversary it is clear that these stories are deeply connected. The quest for freedom and equality, the victories, setbacks, persistent voices, are as much a part of America as the celebrations we are going to plan for 2026. Honoring Black History means not just revisiting the past but recognizing the realities and possibilities of our nation. To make the next 250 years truly meaningful we need to continue sharing honest accounts of history, uplift those perspectives that have been overlooked and ensure America's promise of liberty and justice is fulfilled for everybody. This is essential work and without a doubt it is worthwhile.

So, let's take time to honor and reflect and renew our commitment to creating a community where everyone's story is valued.

It took him a while to think through some of these things. The theme here tonight has been "I love Fairborn. He encourages everyone to seek out a story and learn something new. There is another fun fact that there a lot of countries that celebrate Black History Month, Canada, United Kingdom, Ireland, the Netherlands all of those countries celebrate Black History Month so encourages them all to enjoy this month.

Deputy Mayor Reaster thanked all the milestone recipients. She said to Hilary Browning you are the bees' knees. She is pretty sure author James Collins had her in mind when he wrote Good to Great. She came in and she has known doubt about being the new person, probably faced a bunch of challenges because that's not the way we always did it. She shined. We are so fortunate to have Hilary Browning on the Fairborn team. This is her last meeting as Deputy Mayor. It has been her deep honor and privilege to serve as Deputy Mayor. There has been some chatter as to why she was not on committees and things like that and that is because there are a lot of duties and responsibilities as Deputy Mayor. There are a lot of things you show up to and there are not pictures of evidence that you are there and the things that you do. She is happy to bounce back to the committees, and she is handing over this seat because she thinks he is going to do great things. Again, thank you for the honor and privilege to serve in that capacity for the last year. She also wanted to draw a parallel between the conversations that were had earlier about community and draw back to the snow. Not only from conversations and comments she had personally, but things she saw on the socials. She tries to stay off of social media because it has become a cesspool of negativity and she is not here for it. What she would say is that she would challenge those that took the opportunity to voice their concerns and maybe embrace your community. Like she and Jimmy Baker live on the same street and up and down the street everyone was helping everyone out. It was an unprecedented snowfall. Jimmy was out there with his snowblower in the street and his neighbors. She had a young man come and help her clean off her sidewalks. That is community we stand together and we help each other out. Whether it is a fallen tree or clearing sidewalks she would challenge everyone to maybe put the phone down and grab a shovel and go out and help your neighbor. That is not meant to be condescending. She is just pointing out what she knows they do as a community. She thanked James and his wife for creating a beautiful venue at the Main House. It has not been without hiccups as he outlined, but it is a beautiful, welcoming venue for so many great things. They have so many cool things for the community and the kids. It is a great space. She congratulated Courtney on winning an award. She wanted to highlight there are hundreds of small businesses around this town that pull together as a community. She is going to highlight Hyatt's Plumbing. She woke up last Monday morning with no hot water. They were closed because of the weather and Jimmy sent one of his guys out and by the grace of God she had hot water. She has never been more thankful for hot water on such a cold day. It is the small businesses that care and those are the ones that we as a community need to support. Whether it is Giovanni's or Hyatt's or whatever the case may be. She thanked JoAnn Collins for highlighting just a few of the many in our community. She told Mike Foy that Bill is sad about the Sweet Shop closing as it is the end of a legacy.

There is a lot going on. Fairborn City Schools she knows a lot of us don't have a dog in that fight anymore. She knows she doesn't as her kids have grown and flown the nest, but she loves to see all of the great kids that Fairborn City Schools are turning out into the community. Lots of great things are going on. Lots of wins and lots of amazing things. If you are not following Fairborn City Schools, she highly recommends that you do as there is some awesome stuff going on and some awesome kids we are putting out in this world. Fairborn High School is doing a musical this Thursday, Friday, and Saturday. If you have not experienced the new facility, it is awesome. They put on a top-notch show. It is the adaptation of the movie Freaky Friday. So go out and support the kids and the community. The community came together for this as they always do from building props and costumes and all of it. It is fantastic. She returned to Mike Foy saying she loves this town also and that is why she is still here and that is why she continues to serve. That is why she takes the beatings and keeps showing up because she loves this community. She is not always going to agree with people's decisions and choices and the things they say about her and vice versa and that is ok, it is a part of leadership. She loves this community. She loves serving it. She loves serving in the City Council capacity. She loved serving as Deputy Mayor. She loves serving in the Lions Club and she loves going out and helping her neighbors, whether it is mowing their grass or helping to shovel a sidewalk. We all need to love each other in some form or fashion, capacity, we do.

Mayor Kirkpatrick stated his grandfather was the Dayton Chief of Police from 1949-1955 and he was his hero growing up. He epitomized to him what professionalism was. One of the things he taught him very early on was the number one job of government at any level, whether it is federal, state, county, or city level, the number one job of government was to provide for the safety and security of its citizens. That is the number one job. He pounded that into his head. In his 34-year Air Force career he heard that over and over again. Part of their job in the military was to provide for the safety and security of our country. There have been some comments lately about some of the changes we have made here, and he wants to clarify that. There are two policemen here and we have the station in place. Unfortunately, as you watch the news across the country your see a lot of Council meeting and other programs and as Tana mentioned what is going on in Springfield and the potential for problems with that. It is our job as our government here to provide for safety and security. They want people when they come to Council meetings to feel safe. Hence, the two policemen and the barrier making sure that people do not come up front to confront anyone including Council. People are allowed to video tape all they want from their seats or from the back of the room. He wanted to clarify that and why they have done that. It is all again a part of the job of our government to provide for the safety and security. He never forgot his grandfather pounding that into his head.

He thanked the milestone recipients. They are outstanding. We have some of the best employees throughout the state. It is obvious we have a lot of them stay for a long time because they enjoy working for the City of Fairborn. He stated Saturday night three of them had the opportunity to attend an event at Wright State University, the Saphire Gala Event that Dexter and Catura Bailey where hosting and emceeing. A Fairborn businessperson in a sense that she runs the Fairborn Fish Program and Fairborn businessperson and resident who is sitting in the back of the room were recognized for their outstanding contributions to the community. He wanted to make sure they were recognized for what they do at the Main House Event Center. It is fantastic program. He

also recognized Jane Doorley for the Fish Pantry. Both of them were recognized. Courtney and James have done a fabulous job with a building downtown that we all wondered what was going to happen to it. It has become a true gem in the downtown area.

He mentioned some other gems downtown and that would be Mike Foy. He and Mike have had many conversations about how Fairborn has gone and where it is going. Mike Foy is more than just a businessman to him he is a good friend. Mr. Foy has done a lot to make downtown what it is. He appreciated him coming out tonight. His message of love not hate, both Mr. Foy and James mentioned concepts of that. This is what makes Fairborn great. JoAnn mentioned a lot of the other businesses in town. We have a great community, and it is because of businesses and people like them who have made it that way.

February 12, 2026, is Fairborn Night at Wright State University. They would love to see every Fairborn citizen packing the Nutter Center for a basketball game. It is an annual event and an opportunity for Fairborn citizens to come out and cheer on the Wright State Basketball team. The Chamber puts on a thing where they give away boxes of chocolates for folks that show up. He asked everyone to consider coming out on February 12, 2026, for the 48th annual Fairborn Night.

He gave a shout out to the street crews who handled the snow from the recent storm. He did not find a single community that did a better job of plowing streets than Fairborn did. Citizens shoveled the sidewalks, and it speaks to the citizens of this community of how they get out and help each other. So, kudos, to everyone who got out there with a shovel.

He recognized Chuck Stout who has been organizing Breakfasts with the Mayor. That is coming up on February 24, 2026, at 8:00 a.m. at the Senior Center. That is not just Breakfast with the Mayor. It is breakfast with the School Superintendent, some of the senior City staff, usually there is someone from Economic Development there. The Police and Fire Department also show up. They are there to answer any questions the citizens may have and listen to concerns. They encourage everyone to come out for that.

One of the comments he has heard is that there is nothing for the kids to do in Fairborn. He would argue there are lots of things, but if you have ideas please come to that meeting so you can provide more ideas of what we can do for our young people. Our young people are our future. We have Mike, Jr. at Foys, who someday will be the Mike of Foys. Please come out to events like that. Tana has been doing these things on Sunday before a Council meeting. The point is there are lots of opportunities for citizens to step up and say this is good in Fairborn, but we think you can do this to make it better. Please come share those thoughts with them. They are fortunate to have places like the Main House Event Center and the Pickens family and Mike Foy and all the different businesses that JoAnn mentioned. We have a great community, but we can make it better.

Our new Deputy Mayor, Rodney McCubbins, had a very significant situation with a family member. Please keep his family in your thoughts and prayers.

ADJOURNMENT

Deputy Mayor Reaster made a motion to adjourn the meeting. Councilman Allen seconded the motion. Yeas, six: Reaster, Allen, Chess, Dodd, Stanton, and Kirkpatrick. Nays, none. Motion carried. The meeting was adjourned at 8:05 p.m.

MAYOR

CLERK, CITY OF FAIRBORN

Exhibit "A"

FAIRBORN

A CITY IN MOTION

Fairborn's Recall Process Provision

Presentation to City Council

City of Fairborn

State ex rel. City of Maumee v. Lucas Cnty. Bd. of Elections

This is an Ohio Supreme Court Decision that was decided July 17, 2025.

Addressed and clarified the ways municipalities can adopt a recall process.

Section 2.07 of Fairborn's Charter

SECTION 2.07 VACANCIES: FORFEITURE OF OFFICE: FILLING OF VACANCIES: RECALL.

. . . (d) Recall. Any member of Council may be removed from office before the expiration of his/her term by the qualified voters of the City. The procedure for such recall shall be that provided by the laws of the State of Ohio.

Ohio Revised Code § 705.92

Municipal Recall Procedure – At a Glance

- **Who may be recalled:** Any elected municipal officer (after **1 year** in office)
- **Petition requirement:**
  - Signatures equal to **15%** of voters from the last regular municipal election
  - Filed within **90 days** of first signature
  - Includes ≤ **200-word statement** of grounds and demands election of a successor
- **Next steps:**
  - Officer has **5 days** to resign after petition is deemed sufficient
  - If no resignation, recall election held at next **primary or general election** occurring **90+ days** after certification

Ohio Revised Code § 705.92

- **Successor candidates:**
  - Nominated by petition (**10%** of voters), no primary
  - Filing deadline: **20 days** before recall election
- **Ballot & outcome:**
  - Voters choose **For** or **Against** recall
  - If majority votes "For," officer is removed and highest-vote successor serves the remainder of the term
- **If recall fails:**
  - Officer reimbursed for actual election expenses (up to **50%** of allowed campaign spending)

Holdings in *Maumee*

FAIRBORN
A CITY IN MOTION

- No general law/statute of the State of Ohio establishes a universal recall process applicable to all municipalities
- R.C. 705.92 generally and specifically identifies a recall process only available to **CERTAIN** municipalities operating under Chapter 705

R.C. Chapter 705 "CERTAIN" Municipalities

- **Commission Plan –** detailed in R.C. 705.41 to 705.48.
- **City Manager Plan -** detailed in R.C. 705.51 to 705.60
- **Federal Plan –** detailed in R.C. 705.71 to 705.86

FAIRBORN
A CITY IN MOTION

Maumee's Stance

Maumee specifically stands for the proposition that only one of the 3 flavors of municipalities specified in Chapter 705 of the Revised Code can invoke the recall process specified in 705.92

FAIRBORN
A CITY IN MOTION

Fairborn's Structure

FAIRBORN
A CITY IN MOTION

The City of Fairborn is a charter municipality under Oh. Const. Art. XVIII, § 7.

Translation: Fairborn is not a statutory form of government under Chapter 705 of the Revised Code.

TRANSLATION – 2ND Sentence of our Charter is Invalid

SECTION 2.07 VACANCIES: FORFEITURE OF OFFICE: FILLING OF VACANCIES: RECALL.

. . . (d) Recall. Any member of Council may be removed from office before the expiration of his/her term by the qualified voters of the City. The procedure for such recall shall be that provided by the laws of the State of Ohio.

CONCLUSION

FAIRBORN IS PRECLUDED FROM INVOKING R.C. 705.92

FAIRBORN
A CITY IN MOTION

CONCLUSION

The end result is that as we sit here today, Fairborn does not have a valid recall process.

THE PATH FORWARD

Fairborn must adopt its own recall procedure in one of two methods (Per Oh. Const. Art. XVIII, § 7):

1. By Ordinance passed by 2/3 majority vote of Council members (quickest method)
2. By petition signed by at least 10% of qualified electors

THE ORDINANCE PATH

1. Council to work with City Solicitor to draft ordinance with proposed amendment to Charter.
2. Introduce amendment as an ordinance and conduct public hearings as required under Charter.
3. Obtain 2/3 majority vote of all Council members for passage.

THE ORDINANCE PATH

4. Determine Election Timing
5. Prepare Ballot Language
6. At least 30 days prior to election, publish complete proposed amendment in a newspaper
7. Coordinate with Election Administration

THE ORDINANCE PATH

8. Certification upon approval
9. Integration with Existing Charter

TIMELINE

DATE OF MAUMEE DECISION: JULY 17, 2025

May 5, 2026 Special Election Deadlines:

- Earliest Passage of Charter Amendment Ordinance: **January 6, 2026**
- Latest Passage of Charter Amendment Ordinance: **March 6, 2026**
- Latest Submission to BOE: **March 6, 2026**

CITIZEN RECALL TIMELINE

May 5, 2026

- Voters decide whether to adopt the Charter recall provision

Mid–May 2026 (≈ 10–14 days after election)

- **Greene County Board of Elections** certifies election results
- Recall provision becomes **effective upon certification**

CITIZEN RECALL TIMELINE

After Certification — When a Recall May Begin

- No recall petition may be filed:
  - Within **180 days after an official takes office**

  - Within **90 days before a regular municipal election**

CITIZEN RECALL TIMELINE

Step 1: File Recall Petition with City Clerk

- Petition must include:
  - Name and office of official
  - Grounds for removal (≤ 200 words)
  - Signatures equal to **15% of voters** from the last regular mayoral election
- No more than **three officials** may be recalled at one election

CITIZEN RECALL TIMELINE

Step 2: Clerk Review (10 Business Days)

- Clerk determines whether petition is sufficient
- If insufficient, petitioners have **10 business days** to correct defects

Step 3: Notice to Official (5 Business Days)

- If petition is sufficient, official is notified
- Official may resign within **5 business days** to avoid a recall election

CITIZEN RECALL TIMELINE

Step 4: Recall Election Scheduled

- If official does not resign, recall election is held:
  - At the next regular municipal election **60–120 days** after petition certification
  - Or at a special election within that same timeframe if no regular election occurs

Result of Recall Election

- If a majority votes **YES**, the official is removed upon certification
- Vacancy is filled according to the City Charter

Summary Timeline for November Election

- **Late May – Early June 2026** - Citizens may begin preparing recall petitions
- **June 2026 (Petition Filing Window Opens)** - Petitioners file the recall petition with the City Clerk.
- **June – July 2026** - City Clerk reviews petition for sufficiency
- **Late July – Early August 2026** - If petition is certified sufficient, the official is notified and has a specified number of days to resign.
- **Aug.–Sept. 2026** - If the official does not resign, the recall election must be scheduled
- **November 2026** - Recall election could be placed on the ballot

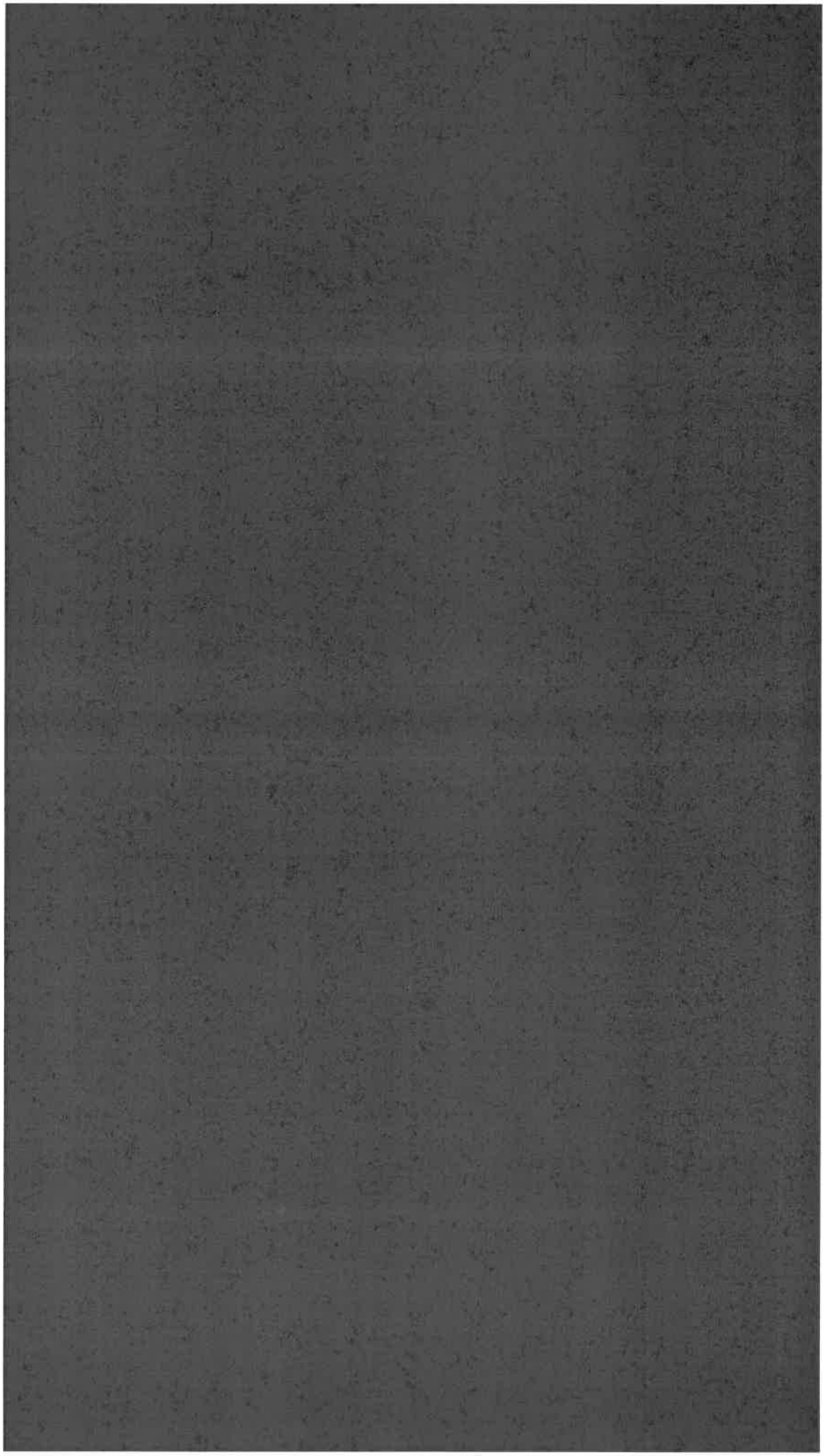


Exhibit "B"

FAIRBORN

A CITY IN MOTION

Legal Services Cost Analysis

Presentation to City Council

City of Fairborn

Purpose of the Presentation

Why We Are Here – BIG PICTURE

- To show that the legal fees charged by MLG to the City of Fairborn are fair and reasonable under the law.

Purpose of the Presentation

Why We Are Here

- To compare the current contract to reasonable municipal hourly rates based on actual workload.
- On a reasonable municipal hourly rate the total for 2025 legal services for Fairborn would have been $954,020.
- MLG Contract is $661,000 with a difference of $293,020.

Purpose of the Presentation

Why We Are Here

- To project the cost of a fully in-house law department and compare it to the current contract.
- To take the Law Department in-house it would cost approximately $811, 931.85.
- MLG Contract is $661,000 with a difference of $150,931.85.
- Does not include a first-year one time capital outlay of $122,900.

Purpose of the Presentation

Why We Are Here

- To compare Fairborn's legal services cost to similarly sized Ohio municipalities.
- The range of similar sized cities for their legal services is $661,000-1.8 million.
- Fairborn comes in at the lowest at $661,000.

Current Legal Services Model (Snapshot)

Fairborn's Current Contracted Model

- Annual contract cost: **$661,000**
- Services include:
- Law Director
- Assistant Law Director
- Lead Prosecutor
- Assistant Prosecutor
- Paralegal support
- Legal research platforms
- Case management systems
- Access to additional attorneys and paralegals as needed
- No City payroll, benefits, or pension obligations
- Flat-fee contract provides predictable annual cost

What an In-House Departmen t Requires

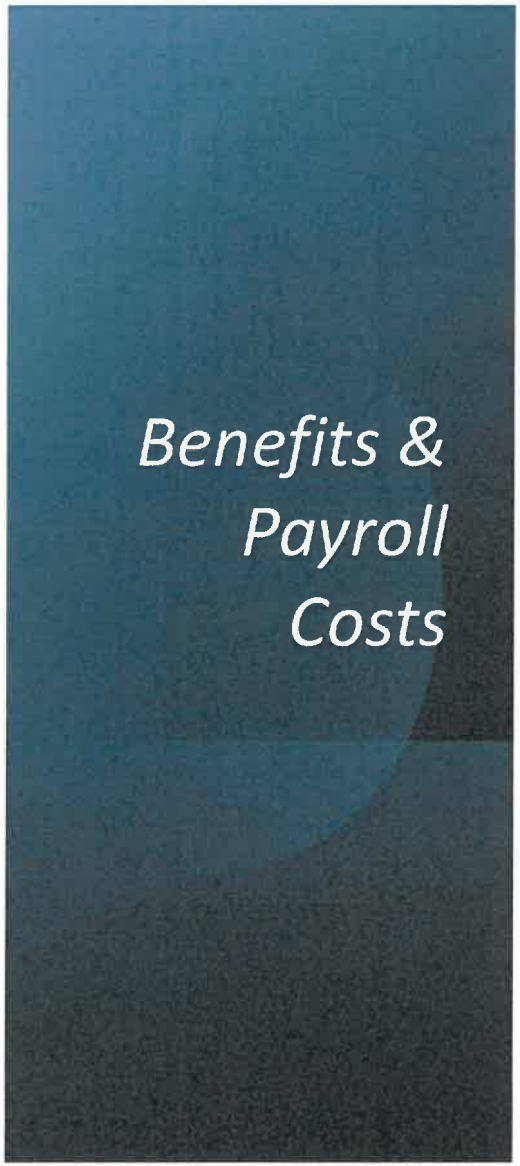
Minimum Staffing Needed (Conservative)

- 1 Law Director (senior municipal experience)
- 1 Lead Prosecutor
- 1 Assistant Prosecutor
- 1 Civil Paralegal
- 1 Criminal Paralegal

In-House Salaries (Market-Based)

Projected Annual Salaries

- 1 Law Director: $185,000
- 1 Lead Prosecutor: $110,000
- 1 Assistant Prosecutor: $85,000
- 1 Civil Paralegal: $75,000
- 1 Criminal Paralegal: $65,000



Projected Benefits & Payroll Costs

- OPERS employer contributions
- Health, dental, vision insurance
- Medicare employer share
- Workers' compensation
- Paid leave and holidays

Total Annual Benefits & Payroll Costs: $197,431.85

(Figures confirmed with Finance Director; excludes first-year startup costs and specialty outside counsel)



Costs Currently Included in the Contract

- Legal research software (Westlaw/Lexis): $55,000
- Prosecutor case management: $40,000
- Document management, e-discovery, storage: $18,000

Total Software & Systems: $113,000

Office & Administrative Overhead

Additional City Costs:

- Office space allocation
- IT hardware and support
- Phones, supplies, postage
- CLE, bar dues, professional licensing

Estimated Annual Cost: $52,000

Contracts, Capital and Other Expenses Break Out

Additional Costs Outside of Wages and Benefits per Finance Director

Contracts, Capital and Other Expenses Break Out	Budget
Travel & Training	7,500.00
Dues & Memberships	4,000.00
Office Supplies	1,500.00
Printing	2,000.00
Delivery (Mailing)	500.00
Minor Equipment (Computers)	4,000.00
Outside Legal Contracts	75,000.00
One-Time Capital Outlay	122,900.00
Total with One Time Capital	217,400.00
Total Subsequent Years	94,500.00

Total In-House Cost (All-In)

Projected Annual Cost

- Salaries: $520,000
- Benefits and Payroll: $197,431.85
- One-Time Initial Capital Outlay: $122,900
- subsequent years annual overhead: $94,500

Total In-House Cost 1st Year: $934,831.85

Subsequent Years: $811,931.85*

(*without cost of living increases)

Contract vs. Fully In-House Cost Comparison (Annual)

Category	Contract Model	Fully In-House Model
Attorneys & Paralegals	Included	$520,000
Benefits & Payroll Taxes	Included	**$197,431.85**
Legal Research Software	Included	—
Case Management Systems	Included	—
Other Legal IT & Storage	Included	—
Office & Administrative Overhead	Included	**$94,500**
Coverage & Continuity	Included	**Limited / City-Dependent**
TOTAL ANNUAL COST	**$661,000**	**$811,931.85**

Side by Side Comparison

Why This In-House Estimate Is Conservative

Key Conservative Assumptions

- Minimum staffing only
- No administrative assistant included
- No escalation for benefit inflation
- No allowance for turnover or vacancy costs
- Does not include outside counsel for conflict or outside of expertise
- Assumes uninterrupted staffing year-round

Peer City Context: Fairborn Legal Services Overview

- **2025 Legal Services Budget:** $661,000 (contractual services)
- **Services Provided:**
  - Law Director & Assistant Law Director
  - Two Prosecutors
  - Two Paralegals
  - Special counsel for complex litigation
- **Operational Model:**
  - Vast majority of litigation handled in-house
  - Minimal outsourcing beyond specialized matters
  - Access to full McNamee Law Group legal team
- **Cost Structure Advantage:**
  - No City payroll, benefits, or pension obligations
  - Broad legal coverage without expanding municipal staff



City	Staff Ct	Note
Fairborn	7	In-house litiga
Lima	14	Includes municl
Gahanna	3	Elected Law Dir
Grove City	0	All legal servi
Kettering	8	8 staff members

Peer City Comparison: Legal Costs & Staffing

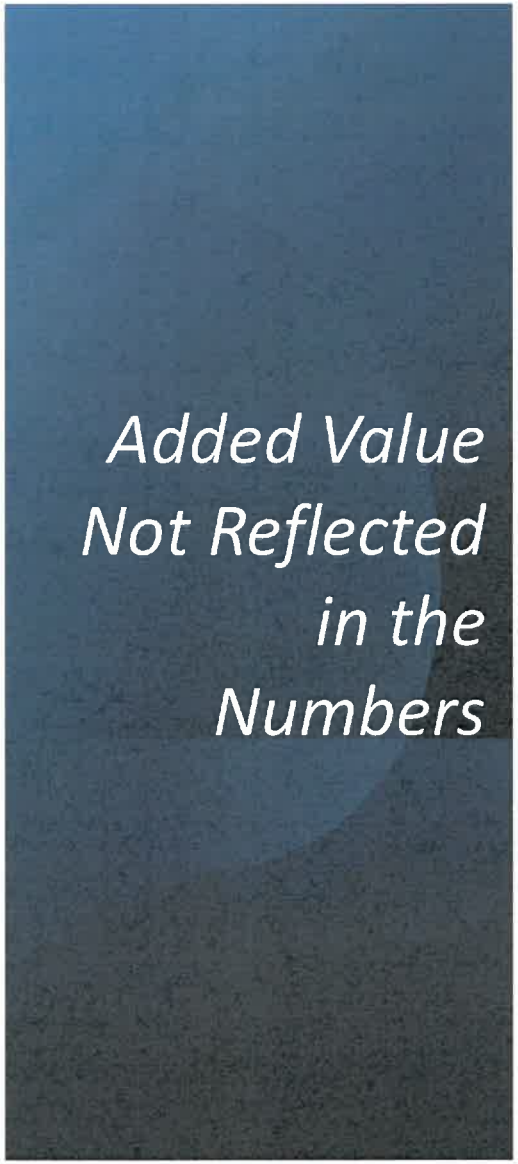
Peer City Comparison: Legal Costs & Staffing

- Peer cities' costs for legal services range from $477,000 to 1.8 million.
- The lower of $477,000 in Gahannah does not include the prosecutor's department and mayor's court expenses.
- The higher end at 1.8 million in Lima is due to including judges, court clerk, court facilities, and the like.

Why Fairborn's Contract Is Especially Efficient

Skillset Matters

- Outside counsel rates are significantly reduced due to the breadth of municipal expertise available through MLG
- City avoids premium specialty counsel, emergency billing, and multi-firm coordination



Beyond the Dollar Amount

- Access to multiple attorneys and paralegals
- Built-in coverage for sick leave, vacation, and conflicts
- No recruitment or turnover risk
- No pension or long-term benefit liability

Contract Value Analysis: Hourly Rate Comparison

- Compares actual 2025 legal workload to standard municipal hourly rates
- Rates used reflect typical municipal billing, not private-sector rates
- Hourly assumptions:
  - General municipal legal services: $250/hour
  - Prosecution attorney work: $150/hour
  - Paralegal work: $100–$150/hour
- Excludes:
  - Premium or emergency billing
  - Non-municipal/private-sector rates

Used solely to provide context for the value of the flat-fee contract

What Last Year's Work Would Have Cost (Hourly)

Summary of Legal Services Provided to the City of Fairborn by McNamee Law Group, LLC

Summary of Hours for Law Director

Type	Total Hours 2025 Hours	Hourly Rate		Total
Total Attorney Hours	1067.90	$ 250.00	$	266,975.00
Total Paralegal Hours	342.70	$ 150.00	$	51,405.00
Total Hours	**1410.6**		**$**	**318,380.00**

Summary of Hours for Prosecution

Type	Total Hours 2025 Hours	Hourly Rate		Total
Total Attorney Hours	2584.20	$ 200.00	$	516,840.00
Total Paralegal Hours	1188.00	$ 100.00	$	118,800.00
Total Hours	**3772.2**		**$**	**635,640.00**

Total Hours	**$**	**954,020.00**

Conclusion: Fair and Reasonable Under Applicable Law

- Ohio law requires that professional service fees be fair and reasonable
- The City evaluated the legal services contract using three independent methods:
  - Projected in-house staffing and operational costs
  - Comparison to reasonable municipal hourly rates based on actual workload
  - Review of legal costs and staffing models in similar Ohio municipalities
- Each method independently demonstrates that the current contract:
  - Provides comprehensive legal services
  - Is cost-effective and predictable
  - Falls within a reasonable range for cities of comparable size and complexity

Ethics Concern Raised by Local Citizen

- A member of the public has alleged an ethics violation related to the City's legal services contract.
- The allegation relies on incomplete statutory interpretation.
- Specifically, the claim does not account for subsection (C) of the applicable statute.
- The City & MLG take all ethics-related concerns seriously and evaluate them carefully.

R.C. 2921.421(B)

A prosecuting attorney may appoint assistants and employees, except a member of the family of the prosecuting attorney, in accordance with division (B) of section 309.06 of the Revised Code, a chief legal officer of a municipal corporation or an official designated as prosecutor in a municipal corporation may appoint assistants and employees, except a member of the family of the chief legal officer or official designated as prosecutor, in accordance with section 733.621 of the Revised Code, and a township law director appointed under section 504.15 of the Revised Code may appoint assistants and employees, except a member of the family of the township law director, in accordance with section 504.151 of the Revised Code, if all of the following apply:...

R.C. 2921.421(C)

It is not a violation of this section or of section 102.03 or 2921.42 of the Revised Code for the legislative authority, the governing board, or other contracting authority of a political subdivision to engage the services of any firm that practices the profession of law upon the terms approved by the legislative authority, the governing board, or the contracting authority, or to designate any partner, officer, or employee of that firm as a nonelected public official or employee of the political subdivision, whether the public office or position of employment is created by statute, charter, ordinance, resolution, or other legislative or administrative action.

Response and Next Steps

- MLG immediately reached out to the Ohio Ethics Board and sought a preliminary ethics analysis from experienced municipal ethics counsel.
- Preliminary analysis indicates no ethics violation.
- Because the issue has been raised publicly, MLG and the City will:
  - Request a formal advisory opinion from the Ohio Ethics Commission
- This approach ensures:
  - Transparency
  - Independent review
  - Final clarity for the City, MLG, and the public

Sylvia Chess/Xtra-Pro Dev 101 Centre LLC ARPA Dispute

Legal Review of ARPA Eligibility – Findings

- Legal review confirmed Ms. Chess's business:
  - Met federal ARPA eligibility requirements
  - Met City-adopted eligibility criteria
  - See legal opinion dated 10/31/2023 and supplemental memo dated 01/27/2026
- Business Operations satisfied:
  - Operational requirement as of January 1, 2020
  - Commercial location requirement met in Fairborn
- No evidence was identified showing misuse or ineligibility of ARPA funds
- A second ARPA award for façade improvements was also found compliant

Texas Not an Issue for Date in Operation

- ARPA eligibility does **not** evaluate *where* a business operated prior to January 1, 2020
- The only requirement is that the business was operational as of January 1, 2020
- Federal ARPA guidance and the City's program contain no geographic restriction on prior operations
- The location requirement applies separately and only at the time funds are awarded
- Whether the business previously operated in Texas is therefore not a relevant eligibility factor

Conclusion

- Claim that business was not in operation on January 1, 2020
  - Response: Pursuant to Federal Regulatory requirements being in operation included due diligence, which includes lease negotiations and generation of revenue. The business met both standards.
- Claim that decrease in revenue not substantiated
  - Response: Inaccurate, decrease in revenue was fully vetted by Department of Development and Finance.