CITY OF FAIRBORN
COUNCIL MEETING
February 16, 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, Deputy Mayor	☒	☐
Mary Reaster, Councilwoman	☒	☐
Tana Stanton, Councilwoman	☒	☐

STAFF MEMBERS PRESENT

Browning, Gebhart, McNamee, Myers, Riggs, Schell, and Taylor

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

APPROVAL OF MINUTES

Councilwoman Chess moved to approve the minutes of the February 2, 2026, Council Work Session. Councilman Dodd seconded. Voice Vote. Motion carried. Mayor Kirkpatrick declared the minutes approved as written.

Councilwoman Reaster moved to approve the minutes of the February 2, 2026, Regular Council Meeting. Councilman Allen seconded. Voice Vote. Motion carried. Mayor Kirkpatrick declared the minutes approved as written.

NEW BUSINESS

ORDINANCE 04-26 MAKING SUPPLEMENTAL APPROPRIATIONS TO THE APPROPRIATIONS BUDGET OF THE CITY OF FAIRBORN, STATE OF OHIO, AND AUTHORIZING TRANSFERS FOR THE FISCAL YEAR ENDING DECEMBER 31, 2026, AND DECLARING AN EMERGENCY.

Councilwoman Stanton motioned to read Ordinance 04-26 for the first time by title only declaring an emergency. Councilman McCubbins seconded. Voice Vote. Motion carried. Mike McNamee, City Solicitor, read Ordinance 04-26 by title only declaring an emergency.

Hilary Browning, Finance Director, explained this is routine business for the City. She reviewed the adjustments included in the legislation. Staff recommends approval of Ordinance 4-26.

Councilman Dodd thanked Mrs. Browning for the presentation.

Councilman Allen brought attention to the ad at the Dayton Airport. He thinks that is important and that is one of the things that they asked for is that based on them getting these additional flights and the City contributing to this particular piece. It helps out in a couple of different ways. There is a direct flight to Boston, which is great for some people and then also the advertisement for the City that will hopefully benefit the City as well.

Deputy Mayor McCubbins had no questions.

Councilwoman Chess, Councilwoman Reaster, and Councilwoman Stanton also had no questions.

Mayor Kirkpatrick thanked Hilary Browning for all the effort that went into the presentation.

Councilwoman Reaster moved to adopt Ordinance 4-26 declaring an emergency. Councilwoman Stanton seconded. Yeas, seven; Reaster, Stanton, Allen, Chess, Dodd, McCubbins, and Kirkpatrick. Nays, none. Motion carried. Mayor Kirkpatrick declared Ordinance 4-26 duly adopted.

ORDINANCE 05-26 AN ORDINANCE APPROVING A ZONING MAP AMENDMENT FROM CI CIVIC/INSTITUTIONAL TO PUD PLANNED UNIT DEVELOPMENT FOR APPROXIMATELY 10 ACRES LOCATED AT 3101 COLONEL GLENN HIGHWAY.

Deputy Mayor McCubbin motioned to read Ordinance 05-26 for the first time by title only. Councilwoman Reaster seconded. Voice Vote. Motion carried. Mike McNamee, City Solicitor, read Ordinance 05-26 for the first time by title only.

Mayor Kirkpatrick set the public hearing of Ordinance 05-26 for Monday, March 2, 2026.

ORDINANCE 06-26 AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOTES IN THE MAXIMUM AGGREGATE PRINCIPAL AMOUNT OF $3,575,000, IN ANTICIPATION OF THE ISSUANCE OF BONDS FOR THE PURPOSE OF PAYING THE COSTS OF (A) ACQUIRING AND IMPROVING CERTAIN PROPERTIES IN SEVERAL LOCATIONS WITHIN THE CITY AND PROVIDING FOR THE DEMOLITION AND SITE PREPARATION THEREOF, (B) ACQUIRING APPROXIMATELY THREE ACRES OF REAL PROPERTY LOCATED IN THE BROAD STREET CORRIDOR, AND PROVIDING FOR THE DEMOLITION AND SITE PREPARATION THEREOF, (C) IMPROVING VARIOUS PARCELS OF REAL PROPERTY LOCATED ON MAIN STREET OR 3RD STREET, INCLUDING DEMOLITION, SITE PREPARATION AND REHABILITATION AND (D) ACQUIRING CERTAIN REAL PROPERTY LOCATED IN THE BROAD STREET CORRIDOR, EACH

IN SUPPORT OF ECONOMIC DEVELOPMENT AND JOB CREATION WITHIN THE CITY.

Councilwoman Chess motioned to read Ordinance 06-26 for the first time by title only. Councilwoman Stanton seconded. Voice Vote. Motion carried. Mike McNamee, City Solicitor, read Ordinance 06-26 for the first time by title only.

Mayor Kirkpatrick set the public hearing of Ordinance 6-26 for Monday, March 2, 2026.

RESOLUTION 04-26 A RESOLUTION OF NECESSITY DECLARING THE NECESSITY FOR THE REPAIR OF CURBS, SIDEWALKS, AND APPROACHES IN THE CITY OF FAIRBORN, OHIO, AND THE ASSESSMENT OF COSTS THEREOF AGAINST ABUTTING PROPERTY OWNERS FOR WORK COMPLETED IN 2026.

Councilwoman Reaster motioned to read Resolution 04-26 for the first time by title only. Deputy Mayor McCubbins seconded. Voice Vote. Motion carried. Mike McNamee, City Solicitor, read Resolution 04-26 by title only.

Haley Myers, Assistant City Engineer, explained Resolution 4-26 will allow Engineering to assess for concrete work that is needed to be completed in 2026. She reviewed the two reasons they will need to assess for concrete this year. The first and largest reason is the 2027 Curb, Sidewalk and Approach or CSA Program which would be the majority, if not all, of the assessments they need to do this year. She explained that the CSA Program is a program that they do on an annual basis and the streets that are included in this program are tied to the streets that are going to be repaved the following year. In this case, they are talking about the streets that are going to be repaved in 2027 so the necessary Curb, Sidewalk and Approach repairs will be done this year in 2026 so there are no conflicts with the paving contractor trying to work at the same time as the concrete contractor so they do it a year in advance. As the weather warms up the inspectors are gearing up and in the next few weeks, they will start walking all of the streets that are going to be included in the CSA program. They will mark all of the work next to all the adjacent properties and then the Engineering office will start to prepare all the estimates that will then go out to the homeowners. Per our Ordinances the property owners are the ones responsible for the curb, sidewalk, and approach. That is the reason the estimates get sent to the owners. They send the estimates out via certified mail and with the estimates they provide a letter with background on the program, why their property was selected and then also give them the option to have the work completed privately or do it themselves. Also included in the letter is the deadline for them to get a permit and when to have the work completed. Any work that is not completed privately by the time their program goes out to bid, is included in their program and a contractor completes the work in the second half of this year. It will be completed by the end of 2026. The reason for the resolution of necessity here is after all of the work is completed they need to be able to assess the property owners for the cost of the work that was done adjacent to their property. She explained when they are marking for the CSA program, they are looking for deteriorated concrete, sometimes even missing blocks of sidewalks and the most common is safety and trip hazards. She displayed the names of the streets included in the 2027 Street Paving Program which included 20 streets with 17 of those having curb,

sidewalk, and concrete drive approaches. These will be the ones they will inspect as part of the CSA Program and those are also included on the right-hand side of the slide.

The second reason they may need to assess concrete is not as common. Their office receives reports from staff and other residents throughout the year with safety concerns, primarily trip hazards or deteriorated concrete that are within the sidewalk. When they receive those reports, they have one of the inspectors go out and confirm the location of the trip hazard, confirm that it is trip hazard and then their office will put together a letter and send it out to the property owner and indicate there was a trip hazard identified on your property. It is your responsibility to fix it and then they provide them with the time frame in which it needs to be completed. Most of the time the letters are effective, and they are able to get all the issues repaired. They just wanted to proactively have this approval in place should someone not comply or respond to the request then they are able to hire a contractor and then assess that cost back to the property owner. It is not very common, and they would see this once or twice a year. This is not very common that they are not able to work something out with the property owner. Staff recommends approval of Resolution 4-26.

Councilwoman Chess asked if there is a person whose financial situation has changed are there any grants available to help people who may not be able to comfortably afford these repairs. Ms. Myers explained as far as specific grants she is not sure of any that are available, but they do allow them as far as the Curb, Sidewalk and Approach program and assessments for that they do send out the invoice initially and they are able to pay a portion or all of it and if they do not pay for all of it, whatever is remaining gets assessed to their property taxes over a five year period and that extends it out to 10 payments. Often times that helps people when you spell out the actual amount, they would be paying every six months.

Deputy Mayor Reaster had no questions and thanked Ms. Myers for the read ahead.

Councilwoman Stanton asked if a trip hazard includes the tree roots that raised the sidewalks. Ms. Myers stated that it could be included in there, yes. Those tend to be more expensive if you are addressing something that is one area to keep the ADA compliance. You sometimes have to extend and do a lot more concrete work so oftentimes they try to encourage property owners to handle those on their own. That is something that could come up as a part of the program. They have communicated with the property owners to make sure they get the best deal. Councilwoman Stanton asked if in all the situations mentioned do the residents get the options to take care of it themselves. Ms. Myers stated that is the goal. Their office does not want to coordinate all the work and assess it. They prefer to have the property owner do it and pull the permit. They try to have as minimal involvement as possible.

Councilman Dodd thanked Ms. Myers for the presentation.

Councilman Allen had no questions.

Deputy Mayor McCubbins asked if the people are given 30 days to get the work done. Ms. Myers stated if someone calls in and needs an extension, they are pretty lenient on

the deadline. This is really for the extreme cases where our staff has been consistently following up with someone for months and they are not getting a response for us to be able to address the trip hazard. They are very willing to work with people. The 30 days is just the initial time that goes out in the letter.

Deputy Mayor McCubbins asked what about if they choose to do this on their own, does it provide steps in the letter for them, or would that be up to the contractor they use to know what to do. Ms. Myers stated when they send out this letter, they indicate it is the property owner's responsibility so if they contact a contractor to have the work completed it indicates that they need a permit pulled through our office in the letter. If the contractor is going to do the work they will go through our normal permitting process. If the homeowner is going to do it themselves then they still need to pull the permit through our office, but they don't have to have the same bonding and registration, etc. as the contractor so they are able to do the work themselves or have a contractor do it.

Mayor Kirkpatrick stated this is an annual event they have to go through and the proper steps and they appreciate Ms. Myers doing all of that.

Deputy Mayor McCubbins moved to adopt Resolution 4-26. Councilwoman Reaster seconded. Yeas, seven; McCubbins, Reaster, Allen, Chess, Dodd, Stanton, and Kirkpatrick. Nays, none. Motion carried. Mayor Kirkpatrick declared Resolution 4-26 duly adopted.

RESOLUTION 05-26 A RESOLUTION APPROVING A PRELIMINARY PLANNED UNIT DEVELOPMENT (PUD) MODIFICATION PLAN AND FINAL PLAT FOR 54 MULTI-FAMILY RESIDENTIAL UNITS ON APPROXIMATELY 3.15 ACRES LOCATED AT 1901 TREBEIN ROAD.

Councilwoman Stanton motioned to read Resolution 05-26 for the first time by title only. Councilman Reaster seconded. Voice Vote. Motion carried. Mike McNamee, City Solicitor, read Resolution 05-26 by title only.

Kathleen Riggs, City Planner, explained this is a modification to an approval that Council made last October for a multi-family development on Trebein Road. She reviewed the owner, applicant, aerial and zoning maps. This parcel is located west of Trebein Road, South of Garland, East of I-675 and north of Dayton Yellow Springs. Last fall the area of land was approved for 24 units on half of this parcel on the eastern side of this site. Really, they are just extending westward towards the Menard's parcel. The site is in a Planned Unit Development Zoning District, and it is surrounded by additional commercial as well as other residential Planned Unit Developments. As was stated, this overall site is composed of two parcels. It is 3.15 acres. This latest revision is a mirror image of what was previously approved. This new addition will add some additional parking and some additional buildings. There is a total of 18 buildings, 54 units with each building is identical with two one-bedroom apartments on the first floor and one two-bedroom apartment on the second floor. They are doubling the number of units, but they are actually tripling the number of parking spaces. Previously, there were 36 parking spaces approved, and it was a critique of the site, so they have expanded the parking spaces to a total of 109

spaces. There will be two mailbox kiosks, and a storage shed for maintenance equipment for the grounds and the buildings. Also located on this site are dumpsters at the end of each parking lot. The outdoor amenities will continue to include gazebos. The city's emergency services are happy with the design. She reviewed the elevations of the site. She reviewed the floor plans for the one and two-bedroom units. The one-bedroom units are 672 square feet and closer to 900 square feet for the two-bedroom units. She explained the one standard the project did not meet last October and that has not changed is complying with the city's land use plan. This borders a residential commercial boundary line if you will and with the given multi-family located on Channingway directly north of this site we did think that multi-family use was an appropriate and compatible use at this site. She just wanted to be clear that it does not necessarily match our guide for future development but is still compatible. Based on the criteria for review the Planning Board felt that the proposed development does comply with the Planned Unit Development guidelines as well as maintains compatibility with those surrounding uses. Planning Board did recommend approval at last week's meeting on the 10th with a few conditions which she reviewed. Staff recommends approval of Resolution 5-26.

Mayor Kirkpatrick opened the public hearing for Resolution 5-26.

Mayor Kirkpatrick closed the public hearing on Resolution 5-26.

Councilman Dodd asked if the road will be widened. Ms. Riggs stated the road will be widened to a three-lane road width to match the existing roadway that is just north of this site. Councilman Dodd asked if it would be done prior to the construction of the facility. Ms. Riggs stated she is not sure when the roadway work will be started and if the building will be done. Those are two separate permittings. So, it all depends on the development of how they will proceed. He asked if there would be a right-turn lane. Ms. Riggs stated there will not be a right-turn lane. There is not a right-turn lane on Channingway which encumbers a lot more traffic than these 54 units. He is looking forward to this development as he lives nearby.

Councilman Allen is glad to see they worked out the parking lot issue.

Deputy Mayor McCubbins asked if these are going to be private roads so that they maintain them and the City will not have to plow them or anything. Ms. Riggs stated that is correct it will be a private drive. It will have a street name, but they will be private drives into this complex. Deputy Mayor McCubbins asked if they would be the ones responsible for widening the road. Ms. Riggs stated yes, the developer will be responsible for that. Deputy Mayor McCubbins asked if there are any wetlands located within or near this development. Ms. Riggs stated there are not.

Councilwoman Chess asked about handicap accessibility. Ms. Riggs stated there are three accessible units. There are accessible handicap parking spaces. She wants to say six and they are required to have accessible units. She can't recall the exact number. She believes with the previous one being three, so maybe six.

Councilwoman Reaster stated they only have the one ingress/egress and is that going to be sufficient with the doubling of this property. Ms. Riggs stated yes, the Fire Department

does support this single access. This falls below their threshold that would require more than one.

Councilwoman Stanton asked if the parking spaces are within our requirements. Ms. Riggs responded, "Yes.

Councilwoman Reaster moved to adopt Resolution 05-26. Councilman Allen seconded. Yeas, seven: Reaster, Allen, Chess, Dodd, McCubbins, Stanton, and Kirkpatrick. Nays, none. Motion carried. Mayor Kirkpatrick declared Resolution 05-26 duly adopted.

RESOLUTION 06-26 A RESOLUTION APPROVING A PRELIMINARY AND FINAL PLAT FOR THE DEDICATION OF PIERCE DRIVE AS RIGHT-OF-WAY AND TO CREATE TWO CITY LOTS AT 550-700 PIERCE DRIVE

Councilwoman Stanton motioned to read Resolution 06-26 for the first time by title only. Councilman Allen seconded. Voice Vote. Motion carried. Mike McNamee, City Solicitor, read Resolution 06-26 by title only.

Kathleen Riggs, City Planner, explained this is a lot the City owns right next to Fairfield Park. The purpose of splitting this lot and dedicating this street is really to sell this other lot to the owner of Wright Pet Groomers. The owner and applicant is the City of Fairborn. She explained currently this parcel includes both of these lots and a portion of Pierce Drive which is currently a private drive. This site is located east of Pierce Drive and south of 235 and the park and just west and north of Broad Street. The zoning for this area is community commercial so all of those businesses along Broad Street the same zoning district applies to this location. There is the parkland designation for the park. She explained they would be dedicating about an acre of this and creating a city street to the end of the existing parcel. There will be an acre created for a new lot 9860 which is where that Wright Pet Groomer is currently located. The leftover piece will be lot 9861 which is close to five acres where the city's water department is located as well as another office building and the ballfield on that land as well. She displayed a picture of what the site will look like once it is all divided up. She did receive one inquiry about the record plan and what it was really about and did it affect their property. Once she explained the proposal to them, they were supportive of it. The new lots do comply with the subdivision regulations now that we are making Pierce Drive a public street. So, these lots will have access to a public street. Planning Board did recommend approval at their February 10th meeting with the only condition that the lots be recorded with Greene County. Staff recommends approval of Resolution 06-26.

Councilwoman Chess and Councilwoman Reaster had no questions.

Councilwoman Stanton had a question about stormwater. She asked if there is a lot of flooding in that area. Ms. Riggs stated she believes a portion of this could be in the flood plain. It does not affect the record plan, but a portion of this could be in the flood plain. Councilwoman Stanton asked if the new owner is going to have to improve it for stormwater or are we selling it as it is. Ms. Riggs agreed. Councilwoman Stanton stated she did not realize it was not a public road. She asked what that means to the City

financially? Do they have to do anything different? Mr. Gebhart stated the City is already maintaining that road because that is the direct access to the water department back there. This will not have any additional expenses other than what we do for routine maintenance and plowing. Nothing that will be burdensome.

Councilman Dodd, Councilman Allen, and Deputy Mayor McCubbins had no questions.

Mayor Kirkpatrick thanked Ms. Riggs for putting this together.

Councilwoman Reaster moved to adopt Resolution 06-26. Councilman Allen seconded. Yeas, seven: Reaster, Allen, Chess, Dodd, McCubbins, Stanton, and Kirkpatrick. Nays, none. Motion carried. Mayor Kirkpatrick declared Resolution 06-26 duly adopted.

RESOLUTION 07-26 A RESOLUTION AUTHORIZING A COMMUNITY REINVESTMENT AREA TAX ABATEMENT FOR THE PLK COMMUNITIES PROJECT.

Councilwoman Stanton motioned to read Resolution 07-26 for the first time by title only. Councilman Allen seconded. Voice Vote. Motion carried. Mike McNamee, City Solicitor, read Resolution 07-26 by title only.

Cherise Schell, Economic Development Director, explained staff is requesting City Council's consideration of a CRA Tax Abatement for PLK Communities. As they will recall from when it was approved previously it is located next to the former Bonton Warehouse on Exchange Court. In 2025 Fairborn City Council allowed for the amendment of our CRA designation to include residential construction and rehabilitation to encourage redevelopment throughout the City. This residential project led by PLK Communities, the developer, is a 212-unit, market-rate multi-family residential project located on just over 15 acres off of Commerce Center Blvd. Private investment totals roughly $45 million on this project. Amenities included with the development will be a pickleball court, a dog park, trails connecting to nearby parks and wetlands and a community clubhouse with a pool. The property tax incentive request and impact the developer submitted a CRA Abatement application in November of 2025 requesting a 15-year 75 percent property tax abatement for this particular project. The estimated impact on the City is that the City will receive approximately $55,000 in net-service payments during the period of the abatement and that will increase to $206,512 in service payments after the abatement period is over. The Housing Officer who is identified as the City's Development Director, i.e., herself per Resolution 22-15 has created a report that was attached to your memo you received. Based on project details to determine whether the abatement is appropriate for the City, the Housing Officer reports the required eligibility review which confirms compliance with the applicable provisions of the ORC and outlines how the officer determines their recommendation. Based on the City's requirements for eligibility, the Housing Officer recommends the 15-year 75% abatement. She pointed out that they did have Bradley Payne advisors do an independent review of the incentive request to determine that all the numbers they provided were in fact accurate and they did so for us. Additionally, even though this abatement request does not require a School Board approval staff did also have a meeting with our school representatives to discuss the project and get their support for it as well. Based on that staff recommends that City

Council approve the CRA tax abatement for the term, outlined 15 years at 75% and ensures that this project is financially feasible. Staff recommends approval of Resolution 7-26.

Councilman Dodd said so basically this is the project that we already approved and this is just the tax incentive. Mrs. Schell stated that is correct.

Councilman Allen had no questions. He is glad they could include the school in some of that decision making.

Deputy Mayor McCubbins asked if PLK decides to sell this to a buyer does the CRA transfer ownership to the new buyer. Mrs. Schell responded, yes.

Councilwoman Chess had no questions.

Councilwoman Reaster stated this is a great move for us as a City. It brings in more people, more money, increases our expendable income. Everyone talks about wanting retail to come in and that is one of the key factors when they look to build a facility within our City limits. This is a win.

Councilwoman Stanton had a question about the program in general. She stated this only qualifies because of the update that we did to the CRA to cover residential. Mrs. Schell stated that is correct. Councilwoman Stanton stated in her mind one of the reasons she supported that was due to our existing properties and giving them a facelift. If someone came forward with an existing property, would they get a better deal on the tax abatement. Are we doing more to incentivize people to go to like infill properties? Mrs. Schell stated she would not say they are doing more. To answer Councilwoman Stanton's first question substantial rehabilitation does qualify for an abatement and it is based on the project numbers on a whole to determine that the incentive that is being requested is in fact needed so there is not an over abatement provided. It is based on the cost of the project, and the need is there for the abatement to offset the costs and make the deal work.

Mayor Kirkpatrick is also glad that the schools were brought in to discuss this.

Councilwoman Reaster moved to adopt Resolution 07-26. Deputy Mayor McCubbins seconded. Yeas, seven: Reaster, McCubbins, Allen, Chess, Dodd, Stanton, and Kirkpatrick. Nays, none. Motion carried. Mayor Kirkpatrick declared Resolution 07-26 duly adopted.

RESOLUTION 08-26 A RESOLUTION AUTHORIZING A COMMUNITY REINVESTMENT AREA TAX ABATEMENT FOR THE GREEN OAKS OF FAIRBORN LLC PROJECT AND DECLARING AN EFFECTIVE DATE.

Councilman Allen motioned to read Resolution 08-26 for the first time by title only. Councilwoman Stanton seconded. Voice Vote. Motion carried. Mike McNamee, City Solicitor, read Resolution 08-26 by title only.

Cherise Schell, Economic Development Director, explained is a repeat of her previous presentation only for a different project. This will be for Green Oaks Development, which is on Exchange. The amendment to the CRA is what makes this request possible. This residential project led by Green Oaks of Fairborn is estimated to bring 120 units, a mix of studio and one-bedroom assisted living/senior apartments to the community. This project will feature four floors and will be just over 95,000 square feet. The estimated private investment for this project is approximately $25 million with an estimated start date of June of this year with an end date of October of 2027. The developer submitted a CRA abatement application in January of this year requesting a 15-year 75% property tax abatement for this project. The City will continue to receive base annual property taxes which are based on the value of the land from the project as well as the percentage of real property taxes not abated, which is 25%. Again, the Housing Officer, herself, created a report which Council received with the staff memo determining whether the abatement is appropriate for the City based on the project details. The Housing Officer report documents required eligibility review which confirms compliance with the ORC and outlines how the determination was made. Based on the City's requirements for eligibility the Housing Officer recommends the 15-year 75% abatement. Likewise, the same Bradley Payne analysis and the schools were consulted on this as well. They are very mindful to do that with every project. Staff recommends approval of Resolution 08-26.

Councilwoman Chess, Councilwoman Reaster, and Councilwoman Stanton had no questions.

Councilman Dodd stated this is the one over by Jamie's Automotive. Mrs. Schell agreed. Councilman Dodd was just making sure in his mind he knew exactly which one they are talking about.

Councilman Allen had no questions.

Deputy Mayor McCubbins had no questions he is glad to see this coming. There is a huge need in almost every community for senior housing. This is a win for everyone.

Mayor Kirkpatrick thanked Mrs. Schell for her work. There is a need for this kind of housing.

Councilwoman Reaster moved to adopt Resolution 08-26. Councilman Allen seconded. Yeas, seven: Reaster, Allen, Chess, Dodd, McCubbins, Stanton, and Kirkpatrick. Nays, none. Motion carried. Mayor Kirkpatrick declared Resolution 08-26 duly adopted.

APPOINTMENT TO MAYOR'S BEAUTIFICATION COMMITTEE

Deputy Mayor McCubbins made a motion to appoint Paula DeLucca to the Mayor's Beautification Committee for an unexpired term to 12-31-27. Councilman Allen seconded. Yeas, seven: McCubbins, Allen, Chess, Dodd, Reaster, Stanton, and Kirkpatrick. Nays, none. Motion carried. Mayor Kirkpatrick announced the appointment of Paula DeLuccca to the Mayor's Beautification Committee.

APPOINTMENT TO PARKS AND RECREATION ADVISORY BOARD

Councilwoman Stanton made a motion to appoint Roberta Hatch to the Parks and Recreation Advisory Board for an unexpired term to 12-31-28. Councilman Dodd seconded. Yeas, seven: Stanton, Dodd, Allen, Chess, McCubbins, Reaster and Kirkpatrick. Nays, none. Motion carried. Mayor Kirkpatrick announced the appointment of Roberta Hatch to the Parks and Recreation Advisory Board.

APPOINTMENT OF TWO FAIRBORN CITY SCHOOL STUDENTS TO THE PARKS AND RECREATION ADVISORY BOARD

Councilwoman Reaster made a motion to appoint Brynn Denton and Mason Gilliam, to the Parks and Recreation Advisory Board. Councilman Allen seconded. Yeas, seven: Reaster, Allen, Chess, Dodd, McCubbins, Stanton and Kirkpatrick. Nays, none. Mayor Kirkpatrick announced the appointment of Brynn Denton and Mason Gilliam to the Parks and Recreation Advisory Board.

APPOINTMENT TO GREENE COUNTY BOARD OF HEALTH

Councilman Allen made a motion to appoint Nancy Terwood to a four-year term on the Greene County Board of Health. Councilwoman Stanton seconded. Yeas, seven: Allen, Stanton, Chess, Dodd, McCubbins, Reaster, and Kirkpatrick. Nays, none. Mayor Kirkpatrick announced Ms. Terwood's appointment to the Greene County Board of Health.

Mayor Kirkpatrick welcomed 11 members of Scouting America to the council meeting. They are attending as part of one of their requirements to attend a public meeting of a governmental board. He welcomed them all.

CITIZENS COMMENTS

Mayor Kirkpatrick opened Citizens Comments.

James Baker, 427 Grant Street, addressed the Mayor, City Manager and Members of Council. He stated he is here to address an ongoing matter involving statements made by Councilwoman Chess. As well as broader concerns about accountability, transparency and how this Council engages with him as a citizen. Let him be very clear, he is not repeating himself for attention. He is repeating himself because the issue has never been addressed, corrected, or resolved. Councilwoman Chess has stated she did not say his name when she spoke at her al mater in Dallas, Texas. Whether his name was spoken is irrelevant. Under well established principles of defamation law, an individual does not need to be named to be identifiable. Given the limited number of candidates who ran for City Council in Fairborn at that time and the public context in which the remarks were made he was clearly identifiable. Labeling a political opponent as a Proud Boy,

associating them with race ideology, and portraying the City of Fairborn as racist is not harmless rhetoric. It damages reputations, divides community, and reflects poorly on the City and its leadership. He also has documentation and evidence supporting these facts which are available for public record. He wanted to address a troubling pattern in these Chambers. This Council regularly responds to questions, comments and concerns raised by other citizens during public comments, however, when he speaks his comments are met with silence, no acknowledgement, no clarification, no response, and no apology. That selective silence is now part of public record. Every member of Council has a responsibility to respond fairly to all the citizens, not just some. If Council members have been advised not to respond specifically to him that may be a legal strategy, but it is not transparency and it is not equal treatment. Selectively ignoring a citizen does not resolve concerns, it amplifies them and erodes public trust. He wanted to be clear about his rights. He is exercising his first amendment rights lawfully within the rules of this Chamber. No Mayor, no Council member, no City official has the authority to control, discourage or silence the citizens because their comments are persistent or uncomfortable. Public participation is not a courtesy. It is a constitutional right. He will continue to come to these meetings and speak on this issue for as long as it remains unresolved. He will not be deterred, discouraged, or silenced. He will continue exercising his first amendment rights at every opportunity until accountability is taken through lawful and democratic processes including correction of the record or until Councilwoman Sylvia Chess is no longer serving on this Council. Being ignored will not make this issue disappear. It will not make him disappear and it will not make him stop showing up. This is not personal. This is accountability and accountability does not expire. He is for the record and for accountability.

Charlie Deer, 1819 North Broad Street, stated he had good news. It is nothing about politics, complaints, or any of that. At the last Council meeting JoAnn Collins gave a shout out to some well-deserving small businesses around town. He would like to give a shout out to God. What he means by that is that he and his wife in November, Thanksgiving of 2024, started giving away free Bibles at the end of his driveway. He put a light on them where they are accessible all night long with a big sign so everyone could see them. Since then, there have been five businesses around town that have let him stock Bibles at their businesses. These are Ellen at the Senior Center, Kert at the Chamber of Commerce, Jamie at two of his locations, and Ozzy at Tiremasters. Over the last year and three and four months they have given away 1500 bibles. He knows a lot of people watch the Council meetings online. That is the reason he is here saying this because he wants people out there to see it and know that they can come to any of those places he just mentioned or at the driveway at the end of his house. The Bibles are in rainproof containers. There are big lights there at night. He is trying to get the word out about the Word. The best book on the planet is the Bible. It will change your life, and it will give you eternal rewards.

Mayor Kirkpatrick closed citizens comments.

CITY MANAGER COMMENTS

Mike Gebhart, City Manager, stated the annual retreat will be held this Friday, February 20, 2026, at the Doubletree by Hilton which is the former Holiday Inn I-675, 2800 Presidential Drive. It will begin officially at 8:30 a.m. and conclude no later than 4:30 p.m. There will be some refreshments there at 8:00 a.m. if anyone would like to partake in those.

In the Council Chambers this coming Monday, February 23, 2026, they will swear in our newest police officer, Abbigail Morton. That will be at 9:00 a.m. The annual Police Department awards banquet is Wednesday, February 25, 2026, at the Fairborn Senior Center and it will begin at 5:30 p.m. and run until approximately 8:00 p.m. It is always great to be at that banquet. Very deserving officers will be recognized at that. Council and staff are invited to attend that also. He also welcomed the Scouts that were present. He has sat through meetings with his now senior in high school and Scouts was a great thing for him. They are thrilled, they are here and if they have any questions or need anything we can do to help them please don't hesitate to ask.

COUNCIL COMMENTS

Councilwoman Chess stated they are recognizing Black History Month this month. She encouraged everyone to learn some history about some notable people who have made contributions to society in so many ways and how far we have come and how we have done great things in America. She asked everyone to take time to learn about those things because it is very important as we are all a part of history. We have evolved so much since the founding of America. We have evolved as people in our laws and legislation. She encourages everyone to learn as much as they can about each other. Our cultures, our backgrounds, where we come from and what we eat, dialect and culture mean a lot that we all learn these things. Let's celebrate together because if we celebrate together, we win together. She thanked Mr. Baker for exercising his first amendments rights. He certainly has the right to do that because that is who we are as Americans. So, people have a right to convey what they have to say to individuals. She congratulated the Scouts for their attendance at the meeting. She acknowledged the female Eagle Scout in the audience. She thanked the adults for pouring into the young people. We need more leaders and people who will do things in our community. We love this community and want to make sure our community is moving forward just as much as anybody else and the Scouts are our future.

Councilwoman Reaster stated a few had the opportunity to celebrate Fairborn night at Wright State University with the Fairborn Chamber. She thanked Wright State for hosting them. She wanted to talk about Fairborn City Schools. We are rounding out the school year and quickly approaching graduation season and if you are not following their social media, she won't belabor it, but there are a lot of incredible accomplishments from the students coming out of our schools. If you don't follow it at least take a look and see what kind of awesome is coming out of our schools. With that, she wanted to touch base on Brynn Denton, she is not overly familiar with her, but Mason Gilliam along list of examples of civic engagement and leadership from that young man and she thinks he is going to

do amazing things. She thanked them both for their leadership and stepping up. It is super exciting.

Councilwoman Reaster addressed Charlie Deer saying approximately 1500 is an incredible number and his sweatshirt is completely accurate, God is Good. She addressed Mr. Baker saying that he made a broad sweeping statement that Council does not respond to him, but several of them actually have and she encouraged him and every other citizen, whether they are here or watching online, who have never been to a City Council meeting, please show up and express your concerns. Last but not least, tomorrow night Fairborn City Schools is hosting a strategic plan to talk about the future at 6:00 p.m. in the Performing Arts Center. If you need more details, please visit the Fairborn City Schools Facebook page.

Councilwoman Stanton thanked those in attendance. She thanked those who have attended her council conversations meetings for the last two months in the Fairborn Library meeting room on the Sunday prior to the meeting. They pull up the work session agenda and the Council agenda and they talk through it. It is a nice discussion with 6-12 people attending. She appreciates the input and the different perspective than her own. Sometimes, she brought those questions here and asked them in the meeting and she also has a list of them she will take to the retreat and if there is time to work that into the conversation, she will mention those there. One item was even added to the retreat. They talked about code enforcement, and they decided to add a portion of that to the retreat because other people were curious as well. A curiosity discussion happened about Habitat for Humanity, and she wanted to let everyone know they scheduled a meeting at the Fairborn Library meeting room for Saturday, March 7, 2026. She posted that to a couple of Facebook pages. She is not done doing that yet, but there is a place to sign up for free tickets just to try to get a head count. This came out of the conversations at the library. She appreciates those coming to those meetings. She feels like they will make her do a better job and they make her more curious about things she would not have thought about. She also thanked Mike Gebhart and Chris Barker for working with her about the 8:30 slot on the retreat, which is an energy efficiency discussion by Power a Clean Future Ohio. We joined them and we get free expert consultants because we joined this community in Ohio that other cities joined. She knows that Mike and Chris Barker have worked with some preplanning meetings so that we can have an hour discussion about it and maybe get some insight to keep us on the right track. She knows we do a great job on our buildings. She thanked those that volunteered for the boards, especially hearing about the two high school students for the Parks and Recreation Board. It is nice to have those different perspectives. She thanked the Scouts for coming to the meeting. To those that spoke tonight, to Jimmy she stated sometimes she just does not respond to everybody because someone spoke ahead of her and some nights, she is just tired and she doesn't think she has anything to add. She will just listen if it's not a question. She has never been told not to reply to him by anyone, it is all on her if she has or hasn't. Accountability wise she thinks they have taken steps to be accountable to make sure there are good processes for citizens to follow through on however they would like to address issues. She appreciates him coming forth to use his first amendment rights. She totally supports that. She addressed Charlie Deer saying it sounds wonderful that something that has meant so much to him in his life that he is spreading that and giving that opportunity to other people, Great job on that. For the sake

of diversity she will say she is actually a secular Buddhist so that would not be her cup of tea, and she might point someone in a different direction, but she thinks that it is nice that we don't have only freedom of speech but freedom of religion in our country.

Councilman Dodd stated he and his wife were fortunate enough to be at Fairborn Night at Wright State. It was very enjoyable. It was great other than the fact that we lost the basketball game. Other than that, it was a great night. He is looking forward to the different projects that Cherise talked about today and Kathleen is starting. That is how our City grows through these projects. This is a great start. He was glad the Scouts were present. They are the future. He wishes more kids would show up to these meetings. He applauded Charlie Deer for his efforts, and he also likes his shirt. He remembers being on the Parks and Recreation Board when there was a student. They have a different perspective than what the adults look at. It is great to have them on that board.

Councilman Allen thanked everyone for coming and being a part of this process. He thanked the Scouts for being at the meeting. They are teaching our young Americans. It was great to see the Eagle Scout back as well. He hopes it was educational about the process of City Council. He thanked Jimmy and Charlie for coming up and speaking their hearts. The tax Council pays for being elected to these offices is hearing the feedback of the citizens, good, bad, or indifferent it does not matter. They are here to gain feedback and come back and address those things. He can say that either in their individual conversations that they have or collectively they talk about the things they address. Whether it is in an email or whether it is one on one. He would encourage them to believe that they do consider everything that is shared. He can say he takes those things to heart. He said there is still more room for the City Boards and Committees. Don't think those are the last people that can get on a City Board.

Councilman Allen stated it is President's Day. We do have a meeting on President's Day and keeping with the spirit of our 250th anniversary of this country he did want to address President's Day because President's Day is pretty straight forward and fuzzy at the same time. There are no fireworks, bands, or music on President's Day. It was created to celebrate Washington's birthday and Lincoln's birthday, and it is now morphed into President's Day. He does not want to walk past it because he thinks it is important. He did write down some thoughts about this particular holiday. It is meant to honor George Washington's birthday, but over the years it has turned into a catch all celebration for all of our US Presidents. For most people it is a welcome three-day holiday. Sometimes, it is an excuse to sell a mattress. But if you dig a little bit deeper into President's Day it is a good reminder of the complicated history behind the people who have held the highest office in the land. Some presidents are easy to celebrate. As he mentioned Washington, Lincoln, FDR others not so much. The day can spark a real debate about what leadership is and how we chose our leaders. It is also one of those days that doesn't come with a script. There are no fireworks or parades. Instead, it is a little bit quieter. It is a time to pause and reflect on our country's history and take a moment to think about what we are doing for the next chapter. What do we do in the next five or ten years? What will this country look like? It is something to consider about President's Day. He does not want us to walk past it because it is one of those holidays that just creeps up on you.

Mayor Kirkpatrick stated before Mr. McCubbins says anything he said this is Mr. McCubbins first meeting as the Deputy Mayor. He congratulated him and said thank you for stepping up for that position.

Deputy Mayor McCubbins stated he would address the accountability issue first and say that Council is not perfect up there. They were elected to the seat, but that doesn't mean you elected a perfect individual. They make mistakes just like everyone does every day. One of the things that came out of the ordeal with Mrs. Chess is they did identify some flaws in our Rules of Council and our Charter and they are correcting those, but they did what they were allowed to do legally in regard to the comments and that was in the form of a censure. That is all they could do. For those that think they can remove Mrs. Chess they cannot. You elected her and you have to remove her if that is what you so desire. What they are going to do is fix the flaw that the citizens found in that process to get that repaired. It is going to take some time. It is not going to happen quickly. It is going to take some time, but it will happen. They will secure that avenue in the future for other elections if they so desire. January is notoriously the worst month for home fires in the United States, particularly those of us in the region that have very cold weather, and it has been very cold the last 30 days or so. We had our share of fires. We don't get a report from the Fire Department as a Council every time there is a fire, but he does know they have had a lot and fortunately there has been no fatalities or serious injuries from those fires from either the occupants or the firefighters. Please be aware of that and check your smoke detectors often to make sure they are working for your safety. He gave a shout to JoAnn Collins for what she did last week even though he was not here. He went back and watched it when he had availability. We used to have a City Council member, Terry Burkert, and Terry would end his City Council comment section with shop local, support small business and shop local. Terry was very adamant about that. He does not think any of Council is against that. He shops local for as much as he can. Not everything is available here, so he does have to leave the City when the need arises, but he does shop local. He thanked JoAnn for the shout out for the small businesses. He thanked the volunteers for the boards and committees. Something he was taught growing up and was solidified in him as a military member was to always give back to your community. Don't do it for selfish reasons, do it because you want a better community and a better place to live. The City Council and City government shouldn't do everything. It is not an anarchy you should have a say in all of this stuff. They highly encourage folks to get involved in the boards and committees. If not for anything, just to give back as it is your community as well. He ended his comments with he did buy a mattress yesterday.

Mayor Kirkpatrick returned to the Scouts that were present at the Council meeting. As an Eagle Scout he knows what they are going through, earning different merit badges and ranks that they have to do. Something happened this evening that he wanted to clarify. At the very beginning before the meeting actually started, he was confronted by an individual to demand some questions be answered and he is going to answer those questions. He wants to say what happened tonight other journalists have described that as ambush journalism. Instead of sitting down and making an appointment to meet with someone, asking questions in an appropriate way, which he does with other journalists on a regular basis, which is not the way it is supposed to work where someone shoves a camera in front of your face and starts yelling at you. So, for the Scouts here tonight that is the normal procedure for how things work in a Council meeting. He wants to make sure

that if this is their only Council meeting that they don't go away thinking that is the way it normally works. That is not the way it normally works, nor is that the way it should work. If someone wants to ask you questions, and he is addressing this to the Scouts, they should approach you in a professional way and ask to make an appointment to see you and sit down with you and discuss the issue. The issue that was raised had to do with a private meeting that took place in a private business in town. That meeting was not a City run meeting. He happens to be the Co-Chair of the committee that met. The individual involved was the other Co-Chair and some words were exchanged with that Co-Chair and the owner of the business. Those words that were exchanged were not done in front of the rest of the committee. They were done in another room. So, they did not hear those comments. There have been comments alluded to saying that we tried to force that person off the committee. That is absolutely not true. He even arranged to set up a separate meeting place for that committee so that Co-Chair could absolutely remain where she is the Co-Chair and will remain the Co-Chair of that committee. What they may have heard alluded to at the start of the meeting was incorrect information. That person is the Co-Chair and remains our Co-Chair. The negative comments that were exchanged and they heard about them after the fact were between the business owner and that person. Those comments were not made in front of the committee and there are multiple other committee members who were at that who can confirm that those comments were not made in front of us. He wanted to make sure the Scouts understood what was done at the beginning is not the way it normally should be and normally is.

He stated to Jimmy Baker that the Council did the steps that they are legally allowed to do in light of the situation so that situation remains between him and that individual. Council has no authority or no right to interact in that. They did what they were legally allowed to do, which was a censure vote and that was done. Fairborn Night was a wonderful event. They had a lot of Fairborn citizens there and, as was mentioned unfortunately in the last 20 seconds Wright State lost the game, but they put forth a valiant effort. He thanked President Edwards for being there along with Daniel Palmer who is one of senior staff at Wright State. It was a wonderful evening. They got a chance to see the cheerleaders and the dance team. The basketball coach came out and led us in some positive words for the team. Unfortunately, the results were not what they had hoped for, but they had a wonderful evening. This last Saturday he had the opportunity at the Miami Valley Military History Museum to hear a presentation from an individual from the National Park Service about Buffalo soldiers. In particular about the music that ties into different events throughout the history of the Buffalo soldiers. For those that weren't there and there was great attendance it was a wonderful presentation. The museum puts on monthly presentations the second Saturday at 2:00 p.m. throughout most of the year. You will hear presentations in the next few months. He encouraged everyone to attend some of those. He is the speaker in June, and he will be talking about healthcare ethical issues in a combat zone. He invited everyone to attend that one. The museum puts on some wonderful presentations throughout the year.

It has already been mentioned about the Council retreat this Friday. Anyone is invited to and we encourage you to come to see what Council is looking at and doing for the upcoming year. Scouts, if you are looking for an even more exciting meeting, they will be at the Doubletree Hotel for that. He closed with some upcoming work sessions. The next one will be March 2, 2026, along with the next City Council meeting March 2nd here in the

City building. He encouraged everyone to attend those. He thanked everyone for coming to the meeting. He especially wanted to thank our Police Department. As always, they were there and Council appreciates that. It is part of the number one job of any City government to provide for the safety and security of its citizens. He was taught that early on and he wanted to thank them for being here. He thanked everyone else for being at the meeting. He forgot to mention Charlie Deer. He is a good friend, and they always appreciate his comments, and it is good to hear that other businesses are actively participating in the programs that he has. There are a lot of things coming up in the near future, different elections, lots of different people running for different offices. He encouraged citizens to attend events of those people that are running. Find out what they stand for and what they believe in. They are going to be the people making legal decisions for us in the future depending on the position they get elected to. He encourages you to find out about people who are running for office. Find out if what you believe in is what they believe in. As always, he thanked the City staff. He thanked Julie Taylor, as she is the one who has to figure out who said what and who motioned. They really appreciate what she does for them.

ADJOURNMENT

Councilwoman Reaster made a motion to adjourn the meeting. Councilwoman Stanton seconded the motion. Yeas, seven: Reaster, Stanton, Allen, Chess, Dodd, McCubbins, and Kirkpatrick. Nays, none. Motion carried. The meeting was adjourned at 7:27 p.m.

MAYOR

CLERK, CITY OF FAIRBORN