CITY OF FAIRBORN
COUNCIL MEETING
April 20, 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	☒	☐

Councilwoman Stanton motioned to excuse Councilwoman Chess from the meeting. Councilman Allen seconded. Voice Vote. Motion carried. Mayor Kirkpatrick excused Councilwoman Chess from the Council meeting.

STAFF MEMBERS PRESENT

Bertles, Browning, Gebhart, Jacobs, McClure, McNamee, Myers, Riggs, Schell, and Taylor

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

APPROVAL OF MINUTES

Councilwoman Reaster moved to approve the minutes of the April 6, 2026, Council Work Session. Councilman McCubbins seconded. Voice Vote. Motion carried. Mayor Kirkpatrick declared the minutes approved as written.

Deputy Mayor McCubbins moved to approve the minutes of the April 6, 2026, Regular Council Meeting. Councilman Allen seconded. Voice Vote. Motion carried. Mayor Kirkpatrick declared the minutes approved as written.

PRESCHEDULED BUSINESS

Mayor Kirkpatrick read a proclamation into the record recognizing April 24, 2026, as Arbor Day in the City of Fairborn, Ohio.

NEW BUSINESS

ORDINANCE 11-26 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.

Mayor Kirkpatrick recused himself from the meeting as a piece of this Ordinance involves a committee that he is on. He recused himself from the discussion and Deputy Mayor McCubbins proceeded with the meeting.

Councilwoman Reaster made a motion to read Ordinance 11-26 for the first time by title only declaring an emergency. Councilman Allen seconded. Voice Vote. Motion carried. Mike McNamee, City Solicitor, read Ordinance 11-26 by title only declaring an emergency.

Hilary Browning, Finance Director, explained Ordinance 11-26 is April's supplemental appropriation. She noted that this month there was an extraordinary amount of grant funding. In her time here, she has not seen so many grants pass through. This has been an exciting month in terms of adjustments because staff is receiving so many grants. This speaks to the hard work of staff in identifying these opportunities going out for them and then landing the grants. She reviewed the adjustments included in the legislation. Staff recommends approval of Ordinance 11-26.

Councilman Dodd had no questions. He thanked Mrs. Browning for her presentation.

Councilman Allen and Councilwoman Reaster had no questions.

Councilwoman Stanton thanked Mrs. Browning for answering some questions she sent ahead in emails. She appreciates that. She had two more questions from the meeting she had with citizens yesterday. For the Memorial Park one, now that is just being carried over from 2025. Mrs. Browning stated when the funds are not encumbered that budget dies on the vine. In order for them to carry a project over from a prior fiscal year they have to make a commitment to a vendor and then that carries forward. That gets added to the budget and that is why the revised budget is usually greater than the original budget and that is usually the carry forward balance. In this circumstance the project was not ready and could not be encumbered. They did not have the quote or specs completed so it just died. That said, the transfer of cash from the General Fund to support the project did occur because they were expecting it to happen. So, the cash is there in the fund and ready for the project, but the project budget is what died in essence. Councilwoman Stanton thanked her for that explanation. Councilwoman Stanton said for the Hometown Heroes they are just creating the fund to collect the donations. It is not a matching program with the City. Mrs. Browning stated they do have to have both the expense budget and the revenue budget because the City is buying these materials and items and installing them. We must have the appropriate authority to enter into a purchase order. Again, to increase the expense budget they want to increase the revenue budget ideally by the same amount and that is what they are doing here.

Deputy Mayor McCubbins had no questions.

Councilwoman Reaster moved to adopt Ordinance 11-26 declaring an emergency. Councilman Allen seconded. Yeas, five: Reaster, Allen, Dodd, Stanton, and McCubbins. Nays, none. Motion carried. Deputy Mayor McCubbins declared Ordinance 11-26 duly adopted. Mayor Kirkpatrick returned to the Council Chambers.

ORDINANCE 12-26 TO APPROVE CURRENT REPLACEMENT PAGES TO THE FAIRBORN CODIFIED ORDINANCES.

Councilwoman Stanton made a motion to read Ordinance 12-26 for the first time by title only. Councilwoman Reaster seconded. Voice Vote. Motion carried. Mike McNamee, City Solicitor, read Ordinance 12-26 by title only.

Mayor Kirkpatrick set the public hearing of Ordinance 12-26 for Monday, May 4, 2026.

RESOLUTION 20-26 A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE GREENE COUNTY ENGINEER FOR PARTICIPATION IN THE 2026 GREENE COUNTY COLLECTIVE PAVING PROGRAM FOR STREET RESURFACING WITHIN THE CITY OF FAIRBORN, OHIO.

Deputy Mayor McCubbins motioned to read Resolution 20-26 for the first time by title only. Councilman Dodd seconded. Voice Vote. Motion carried. Mike McNamee, City Solicitor, read Resolution 20-26 by title only.

Haley Myers, Asst. City Engineer, explained she would be going through Resolution 20-26 which would allow Engineering to participate in the Greene County Paving Program. She provided the project overview. They have a budget of $1 million which will be allocated to a few different projects. The biggest and most expensive one will be the annual paving program which is what they are here talking about tonight. This program consists of resurfacing and repaving several streets throughout the City as well as striping on those roadways. She also clarified this program is primarily paving and resurfacing and any concrete work that needs to be completed for this project was already completed last year as part of the 2026 CSA Program. There is no curbing, sidewalk, or approach that is done with this program they are discussing currently. Over the last several years, Fairborn has participated in the Greene County Collective Paving Program. The goal of this project is to reduce paving costs under one large contract. This is the main incentive of participating in the program every year. As mentioned, Greene County is the owner of the project. They manage the project and the bidding process and handle the contracting process. This does help reduce a little bit of the work on the administrative side for Engineering, which is appreciated. However, even though the program is run through the County all of the work that is completed is per Fairborn City standards and is inspected by a Fairborn inspector. The program is running the same as it would be if it was put out to bid separately. She provided an overview of the work to be completed. The primary process will be a 2-inch mill and fill. There is one exception and that is Skyhawk Court which is across the street from the old high school, and it will have a 2-inch mill of what is currently there and then build back up the 4 inches, so the road is finally completed and lined up with the curbing. Staff recommends approval of Resolution 20-26.

Councilwoman Reaster had no questions.

Councilwoman Stanton had no questions, but appreciated the answers to the questions she sent in.

Councilman Dodd thanked Ms. Myers for the quick response today.

Councilman Allen had no questions. He thanked Ms. Myers for the presentation.

Deputy Mayor McCubbins had no questions.

Mayor Kirkpatrick stated this is annual business. He asked if anything new was happening on Skyhawk Court. Ms. Myers responded, no.

Councilman Dodd moved to adopt Resolution 20-26. Councilwoman Reaster seconded. Yeas, six: Dodd, Reaster, Allen, McCubbins, Stanton and Kirkpatrick. Nays, none. Motion carried. Mayor Kirkpatrick declared Resolution 20-26 duly adopted.

RESOLUTION 21-26 A RESOLUTION OF THE COUNCIL OF THE CITY OF FAIRBORN, OHIO APPROVING A PRELIMINARY PLANNED UNIT DEVELOPMENT (PUD) MODIFICATION PLAN FOR THE FINAL PHASE OF DEVELOPMENT OF THE ARDEN PLACE RESIDENTIAL SUBDIVISION LOCATED AT 1479 TREBEING ROAD (PARCEL #A02000200460000800).

Councilman Dodd recused himself from the Council Chambers.

Councilwoman Stanton motioned to read Resolution 21-26 for the first time by title only. Deputy Mayor McCubbins seconded. Voice Vote. Motion carried. Mike McNamee, City Solicitor, read Resolution 21-26 by title only.

Kathleen Riggs, City Planner, explained Arden Place is back. This is really a Preliminary PUD modification Plan so they can develop the final phase of their development. It has been a couple of years, and they are excited to bring this back in front of Council. The owner is Commerce Center Development Company and Bob Krungle is also present to answer any questions. She reviewed the aerial and zoning map. She also reviewed the zoning in the surrounding area and the zoning of the project. She explained there are no wetlands in the subdivision according to the inventory they currently have. She explained the last modification was approved in 2022, but this modification does not change the amount of acreage. It is still an 84-acre site. They are reducing the number of dwelling units from 200 to 184. The real modification is that in prior approvals there was a road that extended all the way to Trebein. After some due diligence on the developer's part extending that roadway is not feasible. Also having conversations with the Greene County Engineer, they are in control of that roadway. They do not support an intersection at Trebein and Windmere Grove due to the line of site. With the hills along Trebein they did not think that was the safest alternative. The alternative is to extend Windmere and have it be a cul-de-sac. That is the biggest change in the Preliminary PUD Plan. It does increase the acreage of open space from 21 acres to 25 acres. The total number that will

be developed once the final development plan is approved, and that is later, will be 32 lots with this last phase. The elevations and setbacks remain the same. There are no other changes to the Preliminary PUD that was approved before. The houses that will be built in this final phase will look similar to the rest of the subdivision. They did meet the prior Preliminary PUD requirements except for those couple of changes. Also looking at that this is a compatible use with the existing residential that has already been built. There is appropriate buffering, access, and utility connections as well as building design. They are meeting the standards for a preliminary PUD Plan. They did receive some comments during the Planning Board meeting. A lot of residents came out and had comments and questions for the development. They did receive some feedback prior to that meeting. Most of their comments were really regarding Fisher Homes and some of the construction that has happened on the existing sites. Staff along with the developer have been addressing those comments since they were brought up last week and prior to the meeting. Other comments were about the detention pond, open space, the playground, and Fisher Homes and how they could leave the property in the building phase. Board member comments just include the history of the development as well as the future access easement through an open space in this development to access the property to the north. They also followed up on maintenance of detention ponds, overall grading of the site, playground, and open space. Currently, the developer still has control of the Homeowner's Association, but once the last lot is sold, that will shift to the owners in that subdivision. City departments also reviewed this, Fire, Police, Water and Engineering. All the comments have been addressed and accounted for in the conditions.

There was a lengthy Planning Board discussion, but Planning Board did find that the overall development does meet those prior preliminary plan approvals. The site plan indicates appropriate buffering and access and also that the use is compatible with those other surrounding uses. They did unanimously recommend approval for this Resolution with a couple of conditions. One was to establish construction hours. We have done this previously with subdivisions and we thought that was an appropriate condition to add to this. Then also that right-of-way easement connecting Windmere Grove to the property to the north. All the remaining prior provisions and restrictions would still remain in place and then all approved documents would be recorded with Greene County. This is a preliminary PUD plan modification. If they get approval of this then they would move forward with the Final PUD Plan and that would go before Planning Board and then it would come back to Council for approval of the final plat. Staff recommends approval of Resolution 21-26.

Mayor Kirkpatrick opened the public hearing.

Bob Krungle, 3333 Madison Pike, Fort Wright, KY stated he started this process about seven years ago. They are excited to finish the community. They have worked through a lot of issues and Kathleen, and staff have been a pleasure to work with. He is here to answer any questions Council may have. As usual Kathleen Riggs gave a great presentation.

Mayor Kirkpatrick closed the public hearing,

Councilman Allen likes the plat and this project. This is one of the first projects to come forward when he first came onto Council. The traffic is going to be an issue as we continue to populate in that area. He appreciates the work that has been put in, but he knows they will need to continue to study traffic moving forward.

Deputy Mayor McCubbins asked if there will be construction entrance off of Trebein. Ms. Riggs stated there is not going to be a construction entrance off of Trebein. They will continue to use Heathgate and Windemere to lead to these last 32 lots. They did look at that and had a conversation and spoke with the property owner to the north, but really the construction entrance won't be there. They think the development should move along fairly quickly. They understand there may be some inconveniences. Obviously when you are living in a subdivision that is currently under development, they understand that, but they will try to mitigate that as much as they can. Deputy Mayor McCubbins asked if there would be any entrances at all off of Trebein. Ms. Riggs stated only the two existing entrances coming off of Commerce Center Blvd.

Councilwoman Reaster had no questions.

Councilwoman Stanton had a question about the future access easement for the Fire Department to meet the Fire Code. She asked for that to be explained. Ms. Riggs stated it is a requirement of the Fire Department that another access be provided for future development. That seemed like an opportunity where we could provide an access right-of-way to the northern property and meet their requirements in the Fire Code to be able to support 32 lots in the subdivision. So, it was a requirement of the Fire Code. Councilwoman Stanton stated so it is not a requirement for the homes that we are looking at here. It is a requirement for if they build the section above. Ms. Riggs stated it is a requirement to make the modifications that they are proposing for this final phase. Councilwoman Stanton asked that Ms. Riggs point out where that road will be. Ms. Riggs stated it is a right-of-way easement; there will not be a built road. It is a right-of-way easement so there could be a roadway in the future. This meets the Fire Code verbiage. Councilwoman Stanton stated so it won't actually be used by fire trucks. Ms. Riggs agreed. Councilwoman Stanton asked if it is not used for fire trucks what does it have to do with Fire. She was not understanding. Ms. Riggs stated it is in the Fire Code. Ryan Williams, Fire Chief, came down to explain. Mr. Williams stated the best way to answer her question is that the code states there needs to be another access if there are more than 30 homes. There are 32 homes so secondary access would be required, however, under Section (d) 107 of the International Fire Code and the Fire Code states that if there is a future planned road and future development, that meets the current code for the current requirement. When Fire went to Kathleen and said they believe there needs to be different access Kathleen was able to show them a future plan with a road and that meets the code.

Councilwoman Stanton asked what the future plan is for when the road will be built. Ms. Riggs explained the example is similar to Hillside Meadows where Cliffside does not connect to the existing Cliffside because we don't own the land and the City can't control what is developed. This is for future development at this point. There is no plan, but this is for future development and having that easement met the Fire Code.

Councilwoman Reaster stated so if they develop it down the road that road will be completed which would be the connector and give them an additional access point. Councilwoman Stanton stated but if it doesn't get developed then there is no access. It confuses her. It sounds like it should be access for these people. Mayor Kirkpatrick responded, no. It is strictly for emergency vehicles, correct? Councilwoman Stanton stated she did not mean access for these people to use their vehicles. She means access for Fire to get to the people who would live in this particular development. Ms. Riggs stated this easement meets the requirements of the Fire Code and this is what we had to provide.

Deputy Mayor McCubbins stated the Fire Code does not say that there has to be an actual road, but there has to be the capability to build a road if such future development were there is what the Chief is saying. Because there is the capability to build that second road it meets the Fire Code. Councilwoman Stanton asked if the Fire Code said if it was going to be a development that was going to happen then you are building in that second access knowing that development is going to happen with that road. Chief Williams stated he understands the question and the confusion. Normally, depending on the size of a development they may require two entrances or they may not, it depends on the size and the layout of the development. In this case they have the two entrances, as Kathleen indicated, off of Commerce Center. There was a concern brought that due to the number of homes, specifically that another access road tying onto that road that had the additional homes or that area that had the additional homes would need another road. They agree with that so they went to Kathleen and said they feel that there may need to be an additional road. The Fire Department will access anything, if it is a public road they will drive on it. If it is not, they will call it a Fire Department access road and they will lay a gravel path or a 20-foot-wide path or whatever they would need. They would require that and they would only be able to use it. That doesn't necessarily ease the concerns of the residents that are living in the construction zone, but when they brought that concern they faced the exception that states "the number of dwelling units, etc. fire department access road it shall not be increased unless Fire Department access roads will connect with future development as determined by the Fire Code official. So, when they were able to see this plan, the site diagram said when and if this were to build out this area would have that road, the code was satisfied that they did not need that road. The Fire Department is also operationally happy with the two entrances into that plat. If there was a big fire or a big crash or gas leak or something else, they would be able to navigate in around that neighborhood. Councilwoman Stanton stated so, Mr. Williams, as Chief of the Fire Department, are comfortable with the paved roads that we do have that they would not even need that. It is more of a technicality to meet the code. Chief Williams stated he is and the Fire Code official is the Fire Marshall, but they have spoken about this, and he certainly supports his recommendation. Chief Williams supports the two entrances as it is, but he also wants to support Code even if it is above and beyond what he is comfortable with. So in this case, it appeared that there needed to be something above and beyond what he would be comfortable with but it was satisfied by the potential future development that if it were to get even bigger there would be a guaranteed road that the Code allows for that plan to override the immediate need.

Mayor Kirkpatrick wanted to process all of this. He asked Ms. Riggs to show where the access road would be again. How would they get to the access road? Would they come

off of Trebein to get to that, or would they come off of Commerce Center to get to the access road? Ms. Riggs stated they would get to it off of Windemere and then from there it is the unknown. Mayor Kirkpatrick stated to the right of that where it says phase six, is that the wetlands area? Ms. Riggs stated no that it is all owned by Fairborn Cement. Mayor Kirkpatrick state there could be future development there. Ms. Riggs agreed.

Councilwoman Reaster moved to adopt Resolution 21-26. Councilman Allen seconded. Yeas, five: Reaster, Allen, McCubbins, Stanton, and Kirkpatrick. Nays, none. Motion carried. Mayor Kirkpatrick declared Resolution 21-26 duly adopted.

Councilman Dodd returned to the Council Chambers.

CITIZENS COMMENTS

Mayor Kirkpatrick opened Citizens Comments

Charlie Deer, 1819 N. Broad Street, explained he did not get to finish what he wanted to say last week because he was talking too slow and the time ran out. What he was talking about was the annexation of the 1.8 acres of property that was in Bath Township into the City of Fairborn for the sole purpose of being able to call the Police department to respond to the front of his house and his driveway. He tried to do that once before and the Police Chief said he could not do anything because that was in Bath Township. It is just the part that is by the bike path going up Spanger Road. It is 1.8 acres and it is useless land. So, he thinks it was the Council meeting in August that Council was going to annex in 1.5 acres from Bath Township into the City of Fairborn to build the truck stop. So, he got to thinking maybe they could do that for him. So, at the next Council meeting he asked if he could have the 1.8 acres of land annexed into Fairborn. Council said yes. Dan Kirkpatrick said, yes, Charlie, we will definitely do that for you. Mike McNamee said get ahold of my office and we will get it done and Dan Kirkpatrick also went as far as taking him and the Greene County lady to an office next door and showing them a map where they were going to do it. He ended up getting in touch with Mr. McNamee's office and they finally got back with him in about a month and they told him there was a conflict of interest and they were not going to be able to do anything, and he would have to get his own lawyer. So, he contacted Daniel Brown, a lawyer in Dayton, Ohio. He came out and looked at the property, and he told him what he wanted to do. He said it didn't look like it would be any problem because it is public access land anyway. It is access land. Mr. Deer thought it would be a fairly simple thing to do, but after four or five months and $8,000 he found out he was wrong. He has been a resident of the City of Fairborn for 60 years and has paid thousands of dollars in personal and business taxes and every other kind of tax. He just does not believe it should cost him $8,000 to be able to call the Police to respond to his house when he needs them. His house is in the city limits anyway. So, tonight what he is doing is respectfully requesting that he be reimbursed $8,000 back. There is also a $200 filing fee with the City that he does not want reimbursed back because he feels like he owes that for the filing fee. He does not feel like he should have had to pay $8,000. Put yourself in his shoes, anyone of you, in the same situation. Would you have paid $8,000 on land you already owned to be able to call the Police Department. No, you wouldn't, he's pretty sure. He thinks he should be reimbursed. He will wait to hear from

Council. He had one other thing. He spoke with someone at the City building three weeks ago and told them that we had a beautiful Veterans' Memorial out there and we should not let frayed flags take away from it. The flags need to be replaced. Mayor Kirkpatrick thanked Mr. Deer for coming forward.

JoAnn Collins, 173 Erie, stated last week she talked about Police now she is going to discuss the Fairborn Fire Department. To provide the quickest response at the appropriate level and all calls for assistance, to respond sufficient force for necessary resource of call require intervention, to ensure the highest level of safety for members and organization for the public they serve. To provide the best trained and well-equipped professional work force possible. To provide customers with comprehensive life-saving programs consisting of Fire, Code Enforcement, Public Education, and Injury Prevention. The safeguard in the public faithfully committed to customer service and public fund entrusted in us. To provide means whereabouts persons of whom are enacted and communicate needs of concern. One thing the firefighters do is remember 343. That is 9/11 the firefighters that were killed. The Fire Department, Chief Ryan Williams, we have four stations staffing. They do 24/7 full service at all risks year round, all weather, late nights, risking life to save others. They need lots of codes. She would never get them all right. Code 1 respond call without lights and sirens. Code 2 call lights only permissible in varied areas. Code 3 calls using lights and sirens. Code 4 enough firefighters at the scene situation under control no further vehicles needed. Code 10-67 report a death. Code 1-066 means notify medical examiners. A six alarm fire means calling for some sort of reinforcement units in the same surrounding cities. Their equipment is a helmet, gear, coat, pants, gloves, hood, boots and altogether protection that exceeds $4,000 plus a radio. To keep up with maintenance to work the Fire Department equipment they clean they wash walls, they do floors and they inspect their equipment and do training. They work in icy, cold weather with hoses freezing on them in the winter at 2 a.m. They are in hot temperatures at 90 degrees wearing heavy gear, hot sweating in their eyes. Thick smoke they can't see running down. Fire is a medical firefighters they can handle crawling out on icy ponds where maybe a child fell through. They handle hazardous materials, chemical spills, false alarms, motor vehicle accidents, gas leaks, flooding, downed power lines, tornados, storms, forest fires, wrecked trains. They do vendor safety requirements. She has two pages about that if anyone wants to go online, they can check that out. They want to make sure by doing the vendor's requirements they make sure that when they are at an event, we are safe. It is good they are doing that for us. They have four fire stations with the locations listed online. They have a new ladder truck, customized. We have one that has a 100-foot ladder and allows firefighters to attack fires from above providing greater reach to multi-story structures, complex emergencies. Ladders improve rescue operations by allowing firefighters to lower people to the ground on controlled elevators rather than requiring them to climb downstairs or ladders during an emergency. The 100-foot ladder gives our crews better access during fires and rescue capabilities. It allows them to bring people down safely if they may not be able to evacuate on their own. In addition, the firefighting rescue ladder has blue lighting to highlight the department relationship with Fairborn Schools. The school logo on the truck recognizes this fire station is going to be located at Fire Station 2, located near the High School and the Middle Schools. It will help with hospitals, schools, nursing homes, and businesses. Heath hazards of the job include common dangerous calls, public safety resources, key duties and responsibilities and operational structure page. We have key dangerous

equipment and threats identified. They have hazmat in service. This one she wants everyone to hear. The average death age for firefighters, heart attacks and strokes were responsible for the death of 54 firefighters a 47% in 2007 the average age was 44 years old. What causes the firefighters death, the leading cause is heart disease 600 plus thousand, cancer 600 plus thousand, accident and unintentional injuries 197 plus thousand, stroke several vascular disease 166,000, chronic lower respiratory disease 145,000, Alzheimer Disease 116,000, diabetes 94,000. Sudden deaths syndrome. What she wants people to know is we don't appreciate these people enough. They are doing everything within their power for our safety. She thinks everyone should research the Fire and Police Department and learn what she has.

Alan Carney, 132 Greene Street, wanted to follow up on Resolution 17-26 on the Curb and Sidewalk Final Assessments. He got the list of assessments from Julie Taylor. He was looking at where they have the street address and the amount that you are going to be assessed. It is interesting that the only thing that is on the assessment list is a subtotal, administration fee, and total assessment. There is absolutely no breakdown on the details for the final dollar of the assessment. Where did the number come from? There are no details for the linear number of feet for the curb or the square foot for the sidewalk no cost per linear foot on the curb or the sidewalk. So, Engineering just generates a subtotal and submits it to Finance and that is what the people are going to get. A final bill with no details. That is like getting your water bill without the number of cubic feet or some way that he can cross reference and go down in his basement and check the water meter. So, it is just the total lack of transparency to the citizens, and it is inexcusable especially when the citizens are paying for public right of way. So, he went ahead and contacted Engineering for his mom's house on Greene Street because the original property was estimated at 25 linear feet of curb, but they were going to charge 29. So, he figured where did they come up with that number. So, two people from Engineering came out and they discussed the situation and of course on the east and west property lines there is a curb replacement that spanned both sides. So, he asked Engineering what they are using to determine where the east and west property line is that you are using to measure these chargeable curb assessments. So, they walked over to the east side of the property line, and the engineer gets out his precise measuring tool, looks down a fence line that is 50 feet or more away comes down to the curb and said it is approximately right there. So, Mr. Carney got out his sharpie, and he puts a line there. He proceeds to measure from that imaginary line is over to where the curb was and came up with 16 feet. It is interesting the previous week that was only 15 feet. So anyway, they go over to the west side of the property. He said what are you using for a property line over here. So, he gets out his precise measuring tool and eyeballs down from another fence line that is over 50 feet away and says right here. So, Mr. Carney gets out his Sharpie and puts a line there. He proceeds to measure from that line of what we are going to be charged for. Mr. Carney said ok that is fair. That is what you are using to charge the citizen for that. So, Mr. Carney got out his tape measure, and he measures from the east property line to west property line. There are two Engineering people there to witness this. They came up with 51 feet 4 inches. He asked if they wanted to double check this. They did. Look there, it is 51 feet 4 inches. Mr. Carney pulled out the other thing and said the property is only deeded for 50 feet. Does anyone see the problem here? Basically, they are being charged 1 foot 4 inches more than the property is wide and not either one of them got that. That is what we are dealing with here. Anyway, he

urges anyone who is on the list that they contact Engineering and get all of the details for how many square feet you are being charged for. How many linear feet you are being charged for and go out there and measure them and ask them what the cost is and see if it comes close to the number on the list. If they are pulling the same kind of stuff they did on my mom's house that shows what kind of deal is being thrown on the citizens. If you want to overcharge people that is fine. The other thing is the contractor decided they originally marked about 3 inches for some fresh cuts, and they ended up cutting over a foot from each one of those because they knew Fairborn was going to do a final measurement so the more that they could cut off they could make more money. That is what is going on in this City. Mayor Kirkpatrick thanked Mr. Carney for his comments.

Mayor Kirkpatrick closed Citizens Comments.

CITY MANAGER COMMENTS

Mike Gebhart, City Manager, stated in this room on Thursday, April 23, 2026, at 2:00 p.m. Detective Zach Zink will be presented with the 2026 Greene County Prosecutor's Office's David P. Eckert Outstanding Law Enforcement Services Award. If you are available anyone is invited to that event. It is an honor and Detective Zink is truly a worthy recipient.

The Annual Employees Award Lunch will be this Friday, April 24, 2026, beginning at 11:00 a.m. at Bowl 10 at 1425 N. Broad Street. The Government Center will be closed for the afternoon. Social media, the website, and the front doors will have that information posted ahead of the event so that residents are aware of that.

The Fairborn Knights of Columbus Blue Coat Award dinner is Thursday, April 30, 2026, beginning at 6:00 p.m. at Mary Help of Christian Parish Center.

The Fishing Derby is scheduled for Saturday, May 2, 2026, beginning at 8:00 a.m. at Community Park. If Council members are free and would like to join us for the annual Employee Awards or the Knights of Columbus Blue Coat dinner, they would be glad to see them.

COUNCIL COMMENTS

Councilwoman Reaster stated the only thing she had tonight was that it was brought to her attention last week that there are some social media posts going on that are not completely factual or misrepresenting the truth or just flat out false. So, she had pulled together some facts and in full transparency she did run it through AI to clean up her grammar. She wanted to read it really quickly as she thinks it is important as we face the primaries coming up next month in just a couple of weeks.

On February 2, 2026, during a City Council meeting Ordinance 3-26 was introduced and at that time City Solicitor, Mike McNamee, explained that the current Charter language regarding recall does not meet the requirements outlined in the July 17, 2025, decision by the Ohio Supreme Court in the Maumee vs. Lucas County Board of Elections. In that decision the court ruled that a Charter City must explicitly provide for the recall of elected

officials in order for the recall to be valid. Because many Charter cities including Fairborn were drafted with general language that the Ohio Supreme Court has now ruled insufficient recall attempts under them are likely invalid or unenforceable. Fairborn's Charter Section 2.07(d) allows the recall of elected officials, but it only says that the procedure shall be provided by the laws of the State of Ohio. However, in the 2025 Maumee court decision the Ohio Supreme Court ruled that this exact type of general reference is not enough for a Charter City. The court said a City Charter must clearly spell out its own recall procedures or explicitly adopt the State law. A vague reference to a State law does not work. As a result, recalls under Fairborn's current Charter language are legally uncertain and likely unenforceable. Many Charter cities including Fairborn are now amending their Charters to add clear, self-contained recall procedures. This ruling applies only to Charter cities using general language and does not eliminate recalls. This proposed amendment addresses this issue by establishing a clear and detailed recall process directly within the Charter. By defining these requirement timelines and procedures at the local level the Amendment ensures that any future recall effort is consistent with current legal standards and can be properly carried out.

The misconception: It has been suggested that this amendment would make it more difficult for residents to pursue a recall including concerns about the 15% signature requirement. The creation of a local process or administrative costs. The reality: The amendment does not increase an existing requirement; rather it establishes a specific threshold of 15% of voters from the last mayoral election where no clearly defined standard currently exists. For context according to the Greene County Board of Elections certified results from the November 7, 2023, General Election a total of 7,786 votes were cast in the Fairborn mayoral race. Based on that turnout a 15% threshold would require 1,168 valid signatures to initiate a recall petition. This helps to ensure that any recall effort reflects a meaningful level of community support before proceeding to a ballot for recall. As with any election related process there are administrative responsibilities involved. This amendment does not create a new type of cost but instead ensures that if a recall is pursued the process is legally sound and can be carried out properly. The facts are that this amendment is not limiting the public's authority. It is ensuring that the authority already intended in the Charter is clearly defined, legally compliant and able to be used if necessary. Facts matter, guys, do research. Just because it is on the socials and the interwebs does not make it true.

Councilwoman Stanton thanked her for the good detail on that. She did see some misunderstandings out there. It is basically that it comes down to if you want to actually have a valid recall process to use as a citizen. If she wanted a valid recall process, she would vote in favor of it. She thanked those that came down and spoke tonight and shared their concerns and their compliments.

Councilman Dodd thanked Hilary Browning for the presentation at the work session. He thinks that will be a great process. He thanked the citizens for coming and being a part of the meeting. Like Mary said, facts matter and he appreciates the hard work she did on making those statements. There is a lot of false information on social media. It is always good to have the facts.

Councilman Allen thanked everyone for their attendance at the meeting. It is always awesome as he always says all feedback is good feedback for Council That is the tax that they pay for being elected representatives of the City. They will address those things as they come forward. He knows that Mike Gebhart and his team make it a point to make sure that the right information is shared and tease through all the concerns raised by citizens. He only had one thing he wanted to mention tonight and that was congratulations to Warren Brown and John Dugan for being inducted into the Greene County Veterans Hall of Fame. They have had distinguished careers in the military, and they have had distinguished volunteer service after serving in the military. He congratulated both of them.

Deputy Mayor McCubbins read an article on Saturday that was published via Jobs Ohio's website. It was based off of a magazine called the Chief Executives Annual List of the Best and Worst States to do business in. They basically did a survey that went out to approximately 650 CEOs across the country, and the results of that survey brought Ohio in at #7 nationwide for 2026 and #1 for the Midwest. When they began this survey in 2011 Ohio was #41 on that list and we have now moved up to #7 and #1 in the Midwest. This is a big jump and shows our commitment to strong businesses in the State of Ohio. A lot of it is largely due to the infrastructure that Ohio has built. We have the 4th largest interstate system in the nation. The 4th largest network of railroads and the 5th largest network of warehouses and storage services. We also have the best corporate income tax structure, and our work force is 5.5 million strong, which ranks 7th in the United States. We have the 3rd largest manufacturing workforce in the United States. We also boast in the top 10 of the states across the country for affordability with the cost of living roughly 8 to 11 percent lower than the national average. All of these things are very attractive to businesses. He thinks Fairborn has done a great job in our Developmental Services to bring a lot of that to the City of Fairborn as well. He also wanted to point out that today is National Volunteerism Day which is celebrated throughout the week. It was established in 1974 by President Nixon to recognize people for their contributions. The City of Fairborn relies on our volunteers to get by with a lot of our business such as our Committees and our Boards. We could not do it without these volunteers. Thank you to all of our volunteers. If you are inclined to volunteer, please step up. We have a job for you. Also, this Saturday, April 26, 206 is Ohio's National Prescription Drug Take Back Day. In Greene County this is going to be held between 10:00 a.m. and 2:00 p.m. You can drop off all your unexpired or unused medications in pill, capsule, or patch form. He thinks new for this year, is that vaping devices and cartridges can also be accepted. You do have to take the batteries out. You can take them to any Police Department. The ones listed for Greene County are Beavercreek, Beavercreek Township, Greene County Substation, Fairborn Police Department, Sugarcreek Township Public Safety, and the Greene County Sherriff's Office. What they do not want you to bring is needles and liquids. The reason he brings this up is to emphasize this. You hear about this if you listen to the Police scanners, not all overdoses are drug users and heroine users. Some of the drug overdoses that occur in cities are accidental drug overdoses. For instance, kids getting into mom and dad's medication or grandma or grandpa's medication because they have had it laying around instead of throwing it out. He highly encourages you if you have any unused medications in your house to please get rid of them and use that avenue if you would like. He left everyone with that May is Motorcycle Safety Awareness Month. As the father of a motorcycle rider and looking at the statistics that are going around,

please pay attention to motorcycles on the road. Some tips that they put out there are to always check your blind spots. Let motorists know of your intent if you are going to turn, i.e., use your turn signals, pay very close attention at intersections. This is the most dangerous zone for a motorcyclist. Watch for motorcyclists turning and always take a second look if you are going to make a left turn. He did a little bit of digging and looked at the Ohio State Highway Patrol data on traffic fatalities and they don't break it down specifically by motorcycle, but what he did find was so far in 2026, 238 fatalities have occurred on Ohio roadways in 2026. When compared to 2025, this is up from 212. Specifically, for motorcycles the most dangerous part is the intersections. So please when you are approaching these intersections, pay attention and look twice.

Mayor Kirkaptrick stated he would cover a number of events that are coming up. This Friday the Fairborn City Schools is having their annual Hall of Honor recognition and our own, Emily Gay, the Communications Manager is being recognized at that Hall of Honor. He encouraged everyone to attend. Earth Day is this coming Sunday, April 26th and the local Earth Day celebration will be taking place at John Bryan State Park on the 26th. Two weeks from today on May 4 in addition to a City Council meeting that evening Chuck Stout, a local Fairborn resident, and the Senior Center are sponsoring Breakfast with the Mayor. He encouraged everyone to attend. Now, why is this one so special? There has been a lot of conversations on Facebook and other social media about there not being many things for young people to do in Fairborn over the summer. They want to refute that argument. There are a lot of things for people to do, especially young people during the summer. The focus of this Breakfast with the Mayor on May 4th is they have invited the City Parks Department to come and speak about the summer programs throughout the 27 parks in Fairborn. The City will also be talking about all the different City events this summer, the different festivals, Bluegrass and Brew, Hairborn, the Air Force Marathon will be coming through downtown Fairborn again. This year they are adding the half marathon which will be an additional 5,000 runners coming through downtown Fairborn. The day after that is the annual Car Show. The point being there is a lot of events going on. The City will be talking about some of the road projects. The schools will be there to talk about some of the school's summer programming. The Christmas in Action Program is looking for houses to work on. There will be people from the Christmas in Action Program talking about how that program works and how it makes repairs to low-income homeowners.

Last year they had the First UFO Conference in Fairborn and this year it is going to be on July 11, 2026. There are two different flyers going around about that. It will be talked about at the May 4th breakfast. The local churches are going to be there to talk about all the different church programs that are available this summer. The different Vacation Bible School programs and different presentations the churches are doing. The point of this Breakfast with the Mayor is to showcase that there are lots of things for kids and adults to do in the Fairborn community this summer. They are hoping to fill the Senior Center there is room for 150 people. The Breakfasts with the Mayor typically get 30-40 people. Let's fill it and let's get information out about that. The day after that on May 5th is Election Day in Fairborn. There are a number of different things on the ballot, primaries for different parties. A lot of people are running. He did want to say he received a multi-page document in the mail a week ago. There was no return address, and it was a bunch of statements about some of the people running for office and about some of the issues

that are coming. Unfortunately, whoever sent that out did not say who they were. He checked with a number of those people and some of those issues that were in those statements, and he has to say that a lot of those statements were false. His point is to be careful what you receive in the mail. If there is no indication of who sent it so they can check on it and ask about it be very wary of some of the information that is out there about the elections. We have a lot of very qualified people running for different positions. It is important that we get the right people elected. Be careful about the information you are receiving.

The weather is getting nicer so you will start seeing more and more people picking up trash with the Adopt-A-Highway programs. They did one last weekend. There were some scheduled this last Saturday, unfortunately the weather interfered with that. You will see a lot more people out picking up trash. The unfortunate thing is there is a need to do that. The group that did the Adopt-A-Highway this last weekend picked up 13 large black plastic bags full of trash on 235 between Oakes Quarry Park down to where Casey's and Sheetz are located. They should not be picking up that many bags of trash because there should not be that much trash, but unfortunately there is. The caution is when you see the yellow signs, litter pick up ahead, please be careful. Just like what was brought up about motorcycles, they don't' want people picking up trash to get run over by cars or motorcycles. If you would be interested in joining one of the Adopt a Highway groups or starting one the City has that. He knows Waterford Landing has one coming up soon. There are lots of groups that do Adopt-A-Highway programs. He also wanted to thank the people who came forward today with their presentations. It is always good to hear about issues. They will look into those things.

RECESS INTO EXECUTIVE SESSION

Councilwoman Reaster moved to recess into executive session to consider the appointment, employment, dismissal, discipline, promotion, demotion, or compensation of a public employee or official in accordance with Ohio Revised Code Section 121.22 (G) (1). Councilman Allen seconded. Yeas, six: Reaster, Allen, Dodd, McCubbins, Stanton, and Kirkpatrick. Nays, none. Motion carried. The Mayor announced that no action will be taken after they return from the Executive Session. The meeting recessed into executive session at 7:22 p.m.

RECONVENE

Councilwoman Reaster made a motion to reconvene into open session. Councilman Allen seconded. Yeas, six: Reaster, Allen, McCubbins, Reaster, Stanton, and Kirkpatrick. Nays, none. Mayor Kirkpatrick stated as a part of the process of returning from executive session, as Mayor I am certifying that our discussions in executive session were limited to considering the appointment, employment, dismissal, discipline, promotion, demotion, or compensation of a public employe or official in accordance with Ohio Revised Code Section 121.22(G)(1). The meeting was reconvened at 8:24 p.m.

ADJOURNMENT

Councilwoman Reaster made a motion to adjourn the meeting. Councilman Allen seconded the motion. Yeas, six: Reaster, Allen, Dodd, McCubbins, Stanton, and Kirkpatrick. Nays, none. Motion carried. The meeting was adjourned at 8:24 p.m.

MAYOR

CLERK, CITY OF FAIRBORN