# CITY OF FAIRBORN
# COUNCIL MEETING
# June 15, 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 | ☒ | ☐ |

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

## STAFF MEMBERS PRESENT

Adkins, Barker, Gebhart, Jacobs, McClure, McDowell, McNamee, Regelski, Riggs, Schell, Taylor, Timpe, and White.

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

## APPROVAL OF MINUTES

Deputy Mayor McCubbins moved to approve the minutes of the June 1, 2026, Council Work Session. Councilman Allen seconded. Voice Vote. Motion carried. Mayor Kirkpatrick declared the minutes approved as written.

Councilwoman Reaster moved to approve the minutes of the June 1, 2026, Regular Council Meeting. Councilman Allen seconded. Voice Vote. Motion carried. Mayor Kirkpatrick declared the minutes approved as written.

## NEW BUSINESS

**ORDINANCE 15-26** 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 Reaster made a motion to read Ordinance 15-26 for the first time by title only declaring an emergency. Deputy Mayor McCubbins seconded. Voice Vote. Motion carried. Mike McNamee, City Solicitor, read Ordinance 15-26 by title only declaring an emergency.

Janel Regelski, Interim Finance Director, reviewed the adjustments included in the legislation. Staff recommends approval of Ordinance 15-26.

Councilman Dodd thanked Mrs. Regelski and he had no questions.

Councilman Allen asked who the supplier was before Cintas? Mrs. Regelski responded UniFirst. He asked how long the City had used them. Mrs. Regelski stated she was not sure, but she thinks it was at least 10 years. She knows they have used them for quite some time. Mike Gebhart, City Manager, explained that UniFirst is being bought out by Cintas. It is pending an approval sometime this summer or early fall by the UniFirst Board of Directors. They are being acquired.

Deputy Mayor McCubbins asked if it is common for insurance premiums to go up so high every year. Mrs. Regelski stated looking back at the insurance for the past five years, yes. The increase was about 10 percent and in one year it was 8 percent. It is pretty typical.

Councilwoman Reaster and Councilwoman Stanton had no questions or comments.

Mayor Kirkpatrick asked about the flag replacement cost of $3,000 for Memorial Park flags. He asked how often we are having to replace those flags. Mr. Gebhart stated he thinks they will be replaced at least once a year depending on the weather conditions. Mayor Kirkpatrick thought the $3,000 sounded high for six flags. Mr. Gebhart stated they also have the flag downtown. Mrs. Regelski stated flags are very expensive. Mayor Kirkpatrick stated especially the large flag downtown. That makes a lot more sense.

Councilwoman Reaster moved to adopt Ordinance 15-26 declaring an emergency. Councilman Allen seconded. Yeas, six: Reaster, Allen, Dodd, McCubbins, Stanton, and Kirkpatrick. Nays, none. Motion carried. Mayor Kirkpatrick declared Ordinance 15-26 duly adopted.

**ORDINANCE 16-26** TO APPROVE CURRENT REPLACEMENT PAGES TO THE FAIRBORN CODIFIED ORDINANCES.

Councilwoman Stanton made a motion to read Ordinance 16-26 for the first time by title only. Deputy Mayor McCubbins seconded. Voice Vote. Motion carried. Mike McNamee, City Solicitor, read Ordinance 16-26 by title only.

Mayor Kirkpatrick set the public hearing of Ordinance 16-26 for Monday, July 6, 2026.

**RESOLUTION 29-26** A RESOLUTION AUTHORIZING THE CITY MANAGER TO SUBMIT AN APPLICATION FOR GRANT FUNDING FROM THE 2026 COMMUNITY HOUSING IMPACT PRESERVATION PROGRAM.

Councilwoman Stanton made a motion to read Resolution 29-26 for the first time by title only. Councilwoman Reaster seconded. Voice Vote. Motion carried. Mike McNamee, City Solicitor, read Resolution 29-26 by title only.

Nate Timpe, Development Coordinator, explained this is requesting authorization to submit the CHIP 2026 application and allowing the City Manager to enter into an agreement and expend the funds. He explained that the CHIP grant is from Ohio Department of Development and aimed at partnering with Ohio communities to improve and preserve affordable housing stock for low to moderate income Ohioans and strengthen neighborhoods through community collaboration. In the past the City has received about $4.1 million through this grant and been able to assist around 129 households. The City most recently received this grant in 2024 in the maximum allowed amount of $350,000. The City was able to assist five households with those funds. This funding is able to be used in four primary ways including owner-occupied home rehabilitation, rental home rehabilitation, rental assistance, or down payment assistance. Fairborn has historically focused on using funding for owner-occupied home rehabilitation. Regardless of which activity the City does, this funding is used to benefit low to moderate income households which is defined as being 80 percent or less of the area median income. Community engagement is an important part of this process. The City held two public meetings, one of which was at the Mayor's Breakfast event, which he would estimate had an attendance of 40 people. The second public meeting was in the Government Center and had zero attendees. Between these meetings and the feedback staff received as well as the continued interest in the home rehab program which has given staff a moderately lengthy waiting list, staff felt that owner occupied rehab seems to be the most effective use of this funding. So, staff recommends they apply for $315,000 for owner-occupied rehabilitation and $35,000 for administrative costs which would fund staffing and other related expenses. Staff recommends approval of Resolution 29-26.

Councilwoman Reaster is excited to see what we are going to do with this.

Councilwoman Stanton asked if the four different categories are four that were selected from a larger selection of categories or are these the only categories available for use. Mr. Timpe stated those are the only available choices. She thinks this is great. She thanked him for going to the Breakfast with the Mayor event. When she first got on council there was never attendance at the meetings and staff has done a good job of finding where to go for feedback. She thanked Mr. Timpe for his efforts.

Councilman Dodd asked how the public will know how to apply for the funding. He asked if it would be on the web page or how will it be advertised. Mr. Timpe stated they typically will try to advertise through social media, through the web page and through posting in public places. He thinks historically, word of mouth has been the most effective means of people finding out about it. They also have a decent sized waiting list of people that if

the City does receive the funding staff will reach out to them and let them know that they can apply.

Councilman Allen asked Mr. Timpe if this was the first time he is presenting before the Council. Mr. Timpe stated, yes. Councilman Allen complimented him on his presentation. Mr. Timpe was composed and did a great job. Councilman Allen also agreed with Councilwoman Stanton relative to getting feedback and going to the Breakfast with the Mayor to get the feedback. He encouraged Mr. Timpe to continue to look for other opportunities like that.

Deputy Mayor McCubbins was curious of the number of people on the waitlist, so he was glad Mr. Timpe brought that up. This was his first volunteer opportunity for the City when he retired and came back. He is happy to see that it has grown to be what it is today. He just wishes there were more money.

Mayor Kirkpatrick echoed the comments of Council. The important thing is getting the word out to the community and making sure people are aware of this. There are a variety of different things. They are planning another event at the end of the month, and they will get with him about that event. It is important that all of the citizens get the word about this.

Councilwoman Reaster moved to adopt Resolution 29-26. Councilman Dodd seconded. Yeas, six: Reaster, Dodd, Allen, McCubbins, Stanton and Kirkpatrick. Nays, none. Motion carried. Mayor Kirkpatrick declared Resolution 29-26 duly adopted.

**RESOLUTION 30-26** A RESOLUTION AUTHORIZING THE CITY MANAGER TO SUBMIT THE PROGRAM YEAR 2026 ANNUAL ACTION PLAN FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.

Councilwoman Stanton made a motion to read Resolution 30-26 for the first time by title only. Councilwoman Reaster seconded. Voice Vote. Motion carried. Mike McNamee, City Solicitor, read Resolution 30-26 by title only.

Nate Timpe, Development Coordinator, explained this is to request authorization to submit the 2026 Annual Action Plan. For context, CDBG, Community Development Block Grant, is federally funded and administered by the Department of Housing and Urban Development, commonly known as HUD. This program focuses on supporting low- and moderate-income residents through projects that promote things like affordable housing, economic opportunities, and public services. This has a broader scope than CHIP does. Each year the City develops an annual action plan to outline how they intend to use these funds. This plan is a roadmap that is informed by community input to identify the biggest needs and projects for the next year so they can continue progressing toward the long-term community development goals. In the past the City has typically used this funding for administration, fair housing, home repair, and code enforcement. In 2023 they used some of the funding for Memorial Park. Similar to CHIP community engagement, it is a very important element of developing our action plan. They held two public meetings.

They did this concurrently with the CHIP meeting during the Breakfast with the Mayor which had about 40 attendees. The second meeting was June 2, 2026, where they had zero attendees, but they were also successful in getting engagement through our public survey. They distributed paper copies and online versions, and they received a total of 52 responses to that survey. Through the survey and the other feedback, they received affordable housing, home repair, neighborhood revitalization, infrastructure, and economic development were all ranked as high needs. The proposed funding plan for 2026 includes $306,272.21 with 239,513.00 of that is from the 2026 allocation from HUD and $66,759.21 is from past year funding that was not committed to a specific project. Staff proposes to allocate $40,902 to administration, $7,000 towards fair housing, and two parks projects which total $120,000 toward an ADA playground in Rona Hills Park, and then $100,000 toward pickleball courts in Fairfield Park. Lastly, they are proposing to put $138,370 toward sewer linings which are currently planned for Kirkwood Drive, Clearly Drive and Erie Avenue. Staff recommends allocating the funding as described. They are primarily focusing on capital improvements. These projects were chosen in collaboration with the Parks and Recreation Department and the Engineering Departments. They also consulted with the Finance Department. There is no funding for the home repair program for this allocation for 2026. This is because there is significant funding for the home repair program from 2025. So, they did not see a need to allocate more funding for this year. They likely will in future years as the funding runs out. Staff recommends approval of Resolution 30-26.

Councilman Dodd is excited about the ADA playground in Rona Hills. It has been talked about for quite a few years. He is very excited about that one.

Councilman Allen asked if this will be new pickleball courts or are they just refreshing the existing courts. Mr. Timpe understands the project will be resurfacing existing tennis courts into pickleball courts.

Councilwoman Reaster is excited about the ADA park. We have a number of students in our community that are physically challenged and this will get them outdoors.

Councilwoman Stanton stated the input they received lined up nicely with the way the funds are distributed into the plan. Mr. Timpe stated the input did line up. The input ranked many things as high needs, and these are some of the bigger ones that were mentioned. Councilwoman Stanton asked how much of an improvement that will be for the people that live in that area. Mr. Timpe stated he believes the number is around 110 households. As he understands it this will contribute to the longevity of the infrastructure in the area. Councilwoman Stanton asked if that would address flooding. Terry Adkins, Public Works Director, came forward and explained this is sanitary sewer lining. Lining is done every year. They had several areas that needed sanitary sewer lining, and they were able to use this funding to do that, and it impacts everyone in the area of the Pleasant View and National Homes area. Erie Drive is a trunk line as well, so everything funnels that way. It is taking care of everyone along that Erie Drive, but it also affects others because everything flows that way. It is the sanitary sewer lining that they do every year. They do not have to dig it up. It is a repair in place. Councilwoman Stanton stated so this is proactive since they are using this funding. Mr. Adkins explained sanitary sewer lining was emphasized in the Master Plan.

Mayor Kirkpatrick was also glad to hear about the two parks projects. He is glad to see that.

Councilman Allen moved to adopt Resolution 30-26. Deputy Mayor McCubbins seconded. Yeas, six: Allen, McCubbins, Dodd, Reaster, Stanton, and Kirkpatrick. Nays, none. Motion carried. Mayor Kirkpatrick declared Resolution 30-26 duly adopted.

**RESOLUTION 31-26** A RESOLUTION TO AUTHORIZE THE AMENDMENT OF THE PY25 COMMUNITY DEVELOPMENT BLOCK GRANT ANNUAL ACTION PLAN AND CONSOLIDATED PLAN.

Councilman Allen made a motion to read Resolution 31-26 for the first time by title only. Councilman Dodd seconded. Voice Vote. Motion carried. Mike McNamee, City Solicitor, read Resolution 31-26 by title only.

Nate Timpke, Development Coordinator, explained this is requesting to amend the 2025 Annual Action Plan, which is a one-year plan and our Consolidated Plan which is a five-year plan from 2025-2029. They decided to request this amendment after conversations with the Finance Department where it was determined that funding could be more effectively used for capital projects rather than funding code enforcement activities. There are two aspects to this amendment. One is amending the 2025 Action Plan which applies to the 2025-2026 grant year. They are proposing to reduce code enforcement by $50,000 to an allocation of $20,000 and then increase the parks allocation for that year by $50,000 to help fund the ADA playground in Rona Hills Park. They are reducing the administration allocation by $5,250.15 and increasing Fair Housing by $5,250.15. That is more than anything else just correcting an administrative error that was on the back end. They are also leaving our home repair funding at the same amount.

The second is amending the Consolidated Plan which is a five-year plan pertaining to 2025-2029. They are proposing to significantly reduce the funding allocated toward code enforcement by $430,000 to $20,000 and in turn splitting out of that increase between affordable housing which is typically the home repair program and then Parks and Recreation facilities. They are proposing to increase affordable housing to $280,000 to a total of $379,924.00 and then increasing Parks and Recreational facilities by $150,000 to a total of $274,000.00. He also noted they are also requesting to change the start and end year of the Parks and Recreational facilities goal from 2024-2025 to instead starting in 2025 and ending in 2029. Staff recommends approval of Resolution 31-26.

Councilman Dodd asked how code enforcement is if they are reducing that, is that going to affect that department a lot? Mr. Timpe stated that from his discussion with Finance, code enforcement has other reliable means of funding it, so it seemed best to shift the funding to areas that had less reliable means. This should not negatively impact code enforcement.

Deputy Mayor McCubbins was glad to see the increase in affordable housing since that is where the need is.

Councilman Dodd moved to adopt Resolution 31-26. Councilman Allen seconded. Yeas, six: Dodd, Allen, McCubbins, Reaster, Stanton, and Kirkpatrick. Nays, none. Motion carried. Mayor Kirkpatrick declared Resolution 31-26 duly adopted.

**RESOLUTION 32-26** A RESOLUTION APPROVING A PRELIMINARY PLANNED UNIT DEVELOPMENT PLAN FOR A 7 BREW COFFEE SHOP LOCATED ON SKYHAWK COURT.

Councilwoman Stanton made a motion to read Resolution 32-26 for the first time by title only. Councilman Allen seconded. Voice Vote. Motion carried. Mike McNamee, City Solicitor, read Resolution 32-26 by title only.

Kathleen Riggs, City Planner, explained this is a preliminary Planned Unit Development Plan for 7 Brew. She explained that Josh Long with Casto was present to represent the owner of the property. She reviewed the aerial and zoning maps as well as the surrounding land uses. The last proposed development was approved as a Sonic in 2008, so it has been a few years. There have been some ideas at this location. A road has been developed, Skyhawk Court, which is partially completed. They do plan to complete that roadway this summer. They will also make some improvements to the roadway and add some street lighting. She reviewed the site plan to include a restaurant with a drive through. The main building for this site where the food service production occurs is within a 510 square foot building. There is another 280 square foot freezer on the site. As you enter the site it is a drive through for all intents and purposes. It is divided into two lanes that wrap around the building, and it expands into a third lane. There is an existing sidewalk along Dayton Yellow Springs Road so there will be a sidewalk added along Skyhawk Court. Their landscaping plan will include some native plants and buffer some of the vehicle access associated with this use. They can accommodate more than 27 stacking spaces. With the 7 Brew locations throughout the Dayton area there can be lines at times. She has also been to 7 Brew where she has seen four cars. They can accommodate more than what our zoning code requires for our larger drive through locations. She reviewed the intersection of Dayton Yellow Springs Road and Skyhawk Court. She reviewed the turn lane designations. She reviewed the elevations of the building, and the ordering process was also discussed. Their typical operational hours are Sunday through Thursday, 5:00 a.m. to 10:00 p.m. Friday and Saturday are 5:00 a.m. to 11:00 p.m. with two to five employees working during peak hours and two to four employees working non-peak hours. After they took a look at the standards for a preliminary PUD plan this proposal did meet those standards. Staff does think the site can be harmonious with the surrounding multi-family residential uses and the appropriate landscaping buffers shall remain in place that currently exist. The site has some existing trees along those residential uses along the south and southwest. If you go out there now it is all overgrown. A lot of that will be cleared out, the overgrowth and brush where the retention pond is located is overgrown. They are going to have to make some improvements to make sure everything continues to work as it was intended to do so. The natural features on the overall site will remain the same. The detention pond was intended to be a detention pond for that entire three and one quarter acres. It will serve that use in the future. Staff feels that access and circulation to the site is appropriate and

all the conflicts are minimized and the overall site can be completed independently and on time with this proposal.

There were a few public comments. She did receive some concerns about traffic. Staff did take a look at traffic in this area. They believe the site can accommodate the traffic planned for this location. Dayton Yellow Springs Road in this area has about 15,000 vehicles that pass through it every day. This roadway was built to manage more than that so it can accommodate that traffic. At the Planning Board meeting they did hear from a couple of residents who also had concerns about the traffic as well as hours of operation, noise from vehicles, the music at the 7 Brew location, new streetlights that would be going in, smells from the dumpsters. These hours of operation are similar to other hours of operation for businesses within that area that are open from 5:00 a.m. to 10:00 or 11:00 p.m. Some of the businesses within close proximity to this location are even open 24 hours. They also heard the concern regarding music at this location. They did add a condition since that meeting to work to address that music concern so that the speakers at the location are turned away from the residential uses. So, they are not facing any direction of south where those residences are located so it does not affect those residential uses.

Against the staff recommendation at the Planning Board meeting, they did deny this application in a six to one vote. Like she said earlier, there were some additional conditions that they did add, but since that meeting and with those conditions based on the general criteria, staff does feel that they are still meeting the criteria that they need to use to evaluate this proposal. The proposed development complies with the prior approvals of the site. The site plan includes appropriate buffering, access and design and the use is compatible with the adjacent uses. This site was always intended for commercial development. A quick-service drive through is not beyond any other uses in similar business districts in that area. She also thinks taking a deeper look into how it will impact and adding the appropriate conditions that they did which did address lighting, address the music she wanted to make sure that their access to the site fit with all of the City standards. Those are the conditions they ended up adding. Like she said Planning Board did deny this, but staff does recommend approval of Resolution 32-26 with those conditions.

Mayor Kirkpatrick opened the public hearing.

Josh Long, 250 S. Civic Drive, Columbus, Ohio explained he is from Casto who the property owner and developer for this site. He also thanked staff who he has worked with for months to revise, update, and tweak this site plan layout to be something of which they are really proud. He thanked Kathleen for her presentation. They feel they meet all the PUD requirements. They have put a lot of thought into this development and this layout and use. They do think this is a good use for the location. They heard from the Planning Board, and they went out of their way to suggest the condition to staff for the revised speaker. That is not protocol. He had to work with corporate level discussions to make that work. They are proud of what they brought before Council. They have worked with the City Engineer on traffic, and they do think they have put together a great site plan. He appreciates Council consideration and if there are any questions he can answer he would be happy to answer them.

Donna Johnson, 328 Bowman Drive, stated she would like to hear more about the music. She is not familiar with this business. Mr. Long thanked her for the question. It is standard for them to have music at every store. Speaking to the 7 Brew operations, the employees will come to each car, and the thought process is to get orders going while they are waiting and by the time you get to the front of the line the order is ready to go. There is no inside seating. They don't promote walk-up customers. It really is 99 percent drive through across their locations. The music is playing and it is meant to be a fun environment, but at the same time the music does need to be low enough for them to take your order. So, there is some form of that it can't be that loud on the site. There is music and the goal is for it to be fun and have music while you are waiting, but not to interfere with the ability to take an order.

James Baker, 427 Grant Street, asked if the area was developed in 2008 and built for Sonic and to be a commercial area at that location. Ms. Riggs stated in 2008 was when the Sonic was actually approved. There were approvals prior to that which approved Skyhawk Court, well initially it was under a different name, and she does not have the years exactly, but this project has been going on for over 20 years at this site. Actually, the original Ordinance was approved in 1979 for the development of commercial uses on this entire land. Mr. Baker asked if back then if she knows the amount of traffic that went through there. Was it 15,000 or 17,000 cars or is that the total today and has there been any change since then to today to accommodate that much traffic through there? He travels through there quite a bit. He is just curious as the traffic in and out of there heading toward 675 is very busy. He is just wondering what is going to happen once it does come in there. He thinks it is a great idea, and he thinks we need something there. Those are just a couple of questions he had. Ms. Riggs stated they look at the traffic that exists there today. She does not have those traffic counts. Manuel Jacobs, City Engineer, stated he did not have the traffic counts for 2008 right in front of him, but the earliest he has is 2015. Over 10 years ago the traffic count at that point was 16,000 so it has been gravitating and been consistent for at least 10 or 15 years. It would not surprise him to see traffic counts back in 2008 or earlier for that corridor of DYS and 675 to still be around 14,000 or 15,000. It is a major arterial. It connects directly to 675 so it has naturally always gravitated to collect a lot of traffic from the adjacent residences and communities and leading to the businesses in the area. Those numbers have been consistent.

Mayor Kirkpatrick closed the public hearing.

Councilman Dodd has been to 7 Brew, and he does not remember the music being on. He is ok with the right and the left turn coming out of there, but at a later date if they decide that there is too much traffic that can be adjusted to a right only turn. Ms. Riggs thinks at a later date if there is data that warrants additional studying of that intersection, they will put that into their planning. Councilman Dodd stated so it is possible, if necessary, they could turn it into a right turn only then. Ms. Riggs stated if that is what is warranted at that intersection and there is data to support that she does not think that is their intention now. They want to keep that a full-service intersection moving forward. They are going to do everything that they can, especially to accommodate those businesses that want to build and develop on Skyhawk Court. Councilman Dodd thinks it is a good plan. The other question he had is the crosswalk going across there. They are

going to build a new sidewalk going down but is there going to be one of the flashing crosswalk lights. Will there be some way of stopping the traffic for the pedestrians going across? Ms. Riggs asked pedestrians crossing which street. Councilman Dodd stated those walking along DYS. Ms. Riggs stated there will not be a flashing beacon as they don't normally put those at that type of intersection. There are no plans to put a flashing beacon there. Councilman Dodd stated there will be a crosswalk at that location though. Ms. Riggs stated that it will be a part of the new markings when Skyhawk Court is actually completed.

Councilman Allen thanked the people for the public comments. He appreciates the consideration for the conditions. He knows that the Planning Board had some concerns and it sounds like we are continuing to address those concerns. He asked for the music he has been through some 7 Brew locations, and the service is pretty quick. That is one of the hallmarks to that as well. He thinks that the way the City has leaned into understanding all the ins and outs. If you look at this particular project or this intersection or this site, on the surface it looks complicated. Right now, it is all grown over and all kinds of things, but he thinks that the traffic pattern and the thought that went into how vehicles would enter and how they will be able to exit was very well thought out. He thinks as with anything we look to make improvements as we move forward. What adjustments do we need to make? He is pretty sure that if 7 Brew got comments back from residents that lived in the area, they would take those into consideration and not just say they just deal with it.

Deputy Mayor McCubbins thanked Ms. Riggs for the presentation. He is not concerned about the left-hand turn lane. If you go all the way down to Handyman all the businesses on that side of the street has that left-hand turn and there has not been any issues. This one is better because when they turn left, they turn into a dedicated spot versus the others they don't. If you have ever tried to do a right turn into Dairy Queen from Maple, it is a lot more dangerous than this. We probably see more accidents there than we do here. He asked how many speakers are involved with the music. Mr. Long stated there is not a ton, and they are mostly focused on the pickup sides out toward Dayton Yellow Springs Road and then there is the canopy and they are facing down. He knows the speakers are on the building. The focal point is facing down where you pick up. Deputy Mayor McCubbins assumes they are not going to turn this music on until after 7:00 a.m. and off by 11:00 p.m. Mr. Long replied, yes, that is part of the condition of the speakers meeting the noise ordinance. Deputy Mayor McCubbins asked if the lights are going to conform and face downward. Ms. Riggs stated they conform to the lighting policy and what they are proposing in the future and Dark Sky regulations, they conform with all of that.

Councilwoman Reaster read the notes and the comments, and she saw all of the checked boxes for all the yeses, and she can't wrap her head around why they voted no. So, she took a drive over to 7 Brew in Beavercreek. She did see the comments from the residents and on North Fairfield she could not hear the music. She turned in and parked at Michael's and could not hear any music. She parked closer at Home Goods and could not hear the music. In fact, she drove around it and the only time she could hear it is when she was parked right next to the building. So, for her she does not find the music to be of great concern. She does appreciate the willingness to modify that to meet the concerns of the residents. She did not see any feedback as to why the Planning Board

voted no. She asked if Ms. Riggs received any feedback. Ms. Riggs stated after the vote she believes there was a comment regarding traffic and she thinks the intersection with Skyhawk and Dayton Yellow Springs was just a concern about traffic. After the meeting she did receive some feedback regarding music, but that was not stated before the vote was taken. Councilwoman Reaster stated this is her first time encountering a no vote. Is it normal for them to give feedback as to why they voted no when it meets all the conditions of a PUD? Ms. Riggs stated they are required to give what their findings of fact and why they made this determination. Councilwoman Reaster is one of the few that is concerned about the left-hand turn, but she appreciates the fact that they are willing to go back and reevaluate if we see the need. That appeases that concern for her.

Councilwoman Stanton watched the Planning Board video and not to be difficult, but it seemed obvious to her that the traffic was a concern, and the intersection was a concern. A lot of people asked questions about that through the entire thing. Mr. Steininger stated that was his exact reason and went into the details about it. There were a lot of questions about ok if we had to could we change the timing on the lights where the timing at the light coming off of 675 isn't controlled by us because it is the state's light, but we control the other one. There was like a really long discussion, and it was obvious to her that there was a lot of concern for the safety of that intersection. She has said this before for other development along this corridor, just because this is so close to her house she is always here, not in this area right now because there is nothing there yet, but down the road a little bit there are times when you try to get on 675 North they are backed up into the actual main road. Just going down to Kroger sometimes there are a lot of times when all the people waiting at the light can't fit. So, for her, when she sees the stacking and she has been over several times where the building is parallel to Fairfield Road where the businesses are and isn't that road a 25-mph speed limit. She looks at the stacking of their plan in their own property she thinks they have done a great job. They have done better than she sees in Beavercreek. She can understand why people voted no at the Planning Board meeting. Her perception of that conversation was not that they were saying anything against the business and that they weren't against working something out, there were just so many questions asked related to what we could do. A lot of it was well if we see that it is this. She has similar concerns like those on the Planning Board had as well.

Mayor Kirkpatrick stated he heard something about parking spaces. What is the number of parking spaces? Ms. Riggs stated she believes there are 12 spaces. His question is why they are called parking spaces if it is drive-through only. Ms. Riggs explained that it would be for employee parking. He stated so this is not parking for walking up to be served. Ms. Riggs stated anytime you have any type of development they are required to have accessible space and then so many parking spaces per square footage of the building, but a lot of this is mostly for employees. Mayor Kirkpatrick stated it is drive through only for the customer, the music speakers are now going to faced toward Dayton Yellow Springs Road. He also watched the Planning Board meeting when it was broadcast and saw the concerns about the noise. He understands that especially if you are a day sleeper because you work at night that could be an issue. The fact is we have noise Ordinance so if it becomes a problem we will address it as a noise Ordinance issue. One of the things he wanted to point out is right across the street there are pickleball courts, but more importantly right next to that is what was the High School, it is now the

Middle School. One year from now that will be something else because the new Middle School will be open. So, a significant amount of traffic that is normally right down the street, the school traffic, will no longer be school traffic so the traffic numbers he would think would go down depending on what the old school complex becomes. They will be watching that and doing traffic counts, etc. to see what that develops into.

He also had some concerns, but the fact that the speakers are going to be faced away he thinks that helps to address those concerns and the fact that we have a noise Ordinance and if it becomes an issue, we will address it. He is satisfied with the presentation.

Councilman Allen had one other thing to say. He thinks also the traffic considerations when we have big events at Community Park may be one of the challenges for certain times. He thinks about the Sweet Corn Festival on day one when you have a ton of traffic going in and out of there on both sides, may be a little bit challenging. He knows some adjustments will have to be made there. He also thinks about the 3rd and 4th of July when we have big events in that space there may be some challenges there. It may be something also to consider.

Councilman Dodd stated he spoke with Ben Roman about the Fourth of July and they have a Master Plan out for the Police and everything. He really thinks they will have it under control.

Deputy Mayor McCubbins moved to adopt Resolution 32-26. Councilman Allen seconded. Yeas, five: McCubbins, Allen, Dodd, Reaster, and Kirkpatrick. Nays, one: Stanton. Motion carried. Mayor Kirkpatrick declared Resolution 32-26 duly adopted.

**RESOLUTION 33-26** A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE ALL DOCUMENTS NECESSARY TO PROVIDE CONSENT TO THE OHIO DEPARTMENT OF TRANSPORTATION FOR THE CLI/GRE INVERTS FY27 (PID114656) AND DECLARING AN EFFECTIVE DATE.

Councilman Allen made a motion to read Resolution 33-26 for the first time by title only. Councilwoman Reaster seconded. Voice Vote. Motion carried. Mike McNamee, City Solicitor, read Resolution 33-26 by title only.

Manuel Jacobs, City Engineer, stated these will be his shortest Resolutions to date. This is just a little bit of administrative paperwork for two projects that the Department of Transportation has in our neighborhood. He explained Resolution 33-26 is the first project. ODOT has a project for a number of culvert preservations across the district that spans a couple of counties. The scope of this work includes paving inverted culverts and performing other maintenance and repairs. They are basically treated as bridge size culverts. They rate as a bridge structure, so the Department of Transportation takes a couple of extra steps and efforts in maintaining them and making sure that everything is good. So as part of this work this bridge right by our pump station on Kauffman Avenue has been selected. They have already done some preliminary investigations, and they added it to the maintenance program. As part of that the Department of Transportation

contacted the City requesting consent legislation. Essentially, it lays out the scope of the work that they are going to do while reaffirming the responsibility and maintenance that the City currently has for Kauffman Avenue. It is our road and we maintain it, but they would like to work on the structure. No funding is required, this is their project and they just happen to be working on this for us. It is straight forward and they are just requesting our consent to be able to continue moving forward on this project. It is slated for the fiscal year 2027. So, he expects design and inspections and investigations to take part for the next couple of months, and he would expect work to take place later this year, if not, early next year. Staff recommends approval of Resolution 33-26.

Councilwoman Reaster asked with this culvert maintenance what is the anticipated impact to traffic through there. Mr. Jacobs stated it should all be remedial and either on the structure itself or around it. With the exception of any resurfacing or paving that would be necessary it would not be any more than resurfacing much like we have for our street program or anything else. It can be done with flagging traffic around without closing the road or blocking access to Kauffman Avenue. It would be a part of the operation a lane restriction at most while the crew is on site. They would mill, repave, and restripe it and be done in a day or two.

Councilman Dodd stated they don't really have a date yet as it is in the design phase. Mr. Jacobs stated that is correct. They have already scoped it out and they are getting all the necessary legal rights of entry access of the culverts they are going to be working on. He believes they already have a contractor in mind and at that point once we provide the legislation they will be moving on. Councilman Dodd stated when they come up with a date will they publish it in the newspaper. Mr. Jacobs stated we would be notified as a stakeholder in the project. They will be notified with milestones. He converses with the district throughout all of his projects and any other events happening so he will be informed of anything. Should it have any potential impact with traffic restrictions he would be sure to let Emily Gay know and put it out on social media and let people know ahead of time.

Councilman Allen moved to adopt Resolution 33-26. Councilwoman Reaster seconded. Yeas, six: Allen, Reaster, Dodd, McCubbins, Stanton and Kirkpatrick. Nays, none. Motion carried. Mayor Kirkpatrick declared Resolution 33-26 duly adopted.

**RESOLUTION 34-26** A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE ALL DOCUMENTS NECESSARY TO PROVIDE CONSENT TO THE OHIO DEPARTMENT OF TRANSPORTATION FOR THE GRE SR 444 0.00 PROJECT (PID 11828) AND DECLARING AN EFFECTIVE DATE.

Councilwoman Reaster made a motion to read Resolution 34-26 for the first time by title only. Deputy Mayor McCubbins seconded. Voice Vote. Motion carried. Mike McNamee, City Solicitor, read Resolution 34-26 by title only.

Manuel Jacobs, City Engineer, stated this is the exact same situation in terms of obtaining consent legislation for an adjacent project. This one is actually the resurfacing of State Route 444 and while it is not in the City for a majority of it, they are going to be spending

a considerable amount of money resurfacing all of State Route 444 right up to the intersection of Kauffman Avenue. There is a small portion of it that is in the City of Fairborn and because of their efforts to resurface that portion of it in the City they are asking for consent legislation for the contractor to do the work. Again, same as everything else, there is no City funding required. This is a 100% ODOT funded project. They are managing it, constructing it and they are doing everything. We just happen to benefit from a little portion of our City being resurfaced. This Resolution would just allow us to enter into the consent legislation and send it to them so they can continue moving forward with the project.

Councilman Dodd said that project will affect a lot of people. He had no questions.

Deputy Mayor McCubbins asked where this is located at again. Mr. Jacobs stated this is State Route 444 near the roundabout on Kauffman. It is the stretch of 444 that wraps around the Base. They are going to be resurfacing it all. It is where 444 got cutoff from the Base from that point all the way west.

Mayor Kirkpatrick stated it is 444 all the way up to right there where it crosses the railroad tracks. Now, because the railroad tracks are right there is that something the City would have to work out with Northwest. Mr. Jacobs stated ODOT would have to work that out. The City of Fairborn should not have to be involved in project management or design at all. Their scope includes the tracks all the way up to the intersection of Kauffman so he would expect their engineering and design to go through the appropriate channel at Norfolk Southern channels for review and approvals once they get to the construction. Working with the railroad is always a unique experience.

Councilwoman Reaster moved to adopt Resolution 34-26. Councilman Allen seconded. Yeas, six: Reaster, Allen, Dodd, McCubbins, Stanton and Kirkpatrick. Nays, none. Motion carried. Mayor Kirkpatrick declared Resolution 34-26 duly adopted.

## CITIZENS COMMENTS

Mayor Kirkpatrick opened Citizens Comments

Charlie Deer, 1819 N. Broad Street, thanked God the blacktopping is done on Broad Street, and it looks really good. The second thing he wanted to mention was when they had their meeting him, Dan and Mike, and they were talking about the downsizing of the Wawa. He is wondering because the plans were approved as is. So, since they are going to be downsizing, especially the truck spots and the 1,000 square feet does that have to go back through the Planning Board again because the whole thing is going to be shifted and changed. Mike Gebhart, City Manager, stated that there is a major modification to the approved plan so yes, it will have to come back through Planning Board. He does not have a date when they will submit for that, but it is a major modification for either an increase or a decrease it must come back to Planning Board. Mr. Deer was pleased to hear that information. He thanked Mr. Gebhart for the answer.

James Baker, 427 Grant Street, addressed Council and apologized for speaking a little bit ago as he though they were asking if anybody had any other questions and that was why he was about to get up and come back up and ask a question. He was wrapped up in the moment.

James Douglas Chess, III, 455 Coronado Drive, stated whatever was going on earlier today right before he came in there was like a five-alarm fire or response and he hopes and prays that everyone is ok.

Mayor Kirkpatrick closed Citizens Comments.

## CITY MANAGER COMMENTS

Mike Gebhart, City Manager, stated the City offices will be closed this Friday in observance of the Juneteenth holiday. Public Safety will be on their normal schedule. He had a couple of items on July 3rd and 4th. The 4th of July parade begins at 10:00 a.m. downtown. The Fairborn Community Independence Day is on the July 3rd and 4th at Community Park. Friday's event on the 3rd is from 4:00 p.m. to 10:00 p.m. and Saturday's event on the 4th is from 4:00 p.m. to 10:30 p.m. Fireworks will be at approximately 10:00 p.m. on the 4th depending on dusk, but right around 10:00 p.m.

The only other thing he had was Safety City concluded last week with over 90 incoming first graders participating in that. This was the 59th year for that program. Next year, we will celebrate our 60th anniversary of the program. He especially wanted to thank all staff, but particularly Officer Pettit and Laura Meder. She has taught that class for 27 years. She will be starting her 34th year teaching at Fairborn Primary this fall. A huge shoutout to both of them. Those 90 plus children loved it. He attended most of the graduations. They had a lot of fun. He thinks this is one of the best programs we do each year and they are looking at the potential to expand it next year to another session or two in mid-summer. He thanked Laura for all she does and also Officer Pettit for what he does.

## COUNCIL COMMENTS

Councilman Dodd stated he heard that Sergeant Hood and Sergeant Boggs graduated from the Public Safety Leadership Academy last week. He thinks that was really good. He also heard from a couple of individuals in reference to Safety City and that is such an amazing thing.

Councilman Allen added for Safety City kudos to Ms. Meder and Officer Pettit. He was able to make one of the graduations and he can tell you that they pour their heart and soul into that program. What Ms. Meder does and he could not get away from her; she talked to him for 30 minutes about the whole course and how much she loves what she does there. Our kids are the benefactors of that. He thanked them for their hard work. On Friday, there is a Juneteenth celebration in Central Park for Fairborn. He believes this is the 4th year for that. He encouraged everyone to come out and celebrate. There will be food, fun, music, and education. It begins at 11:00 a.m. and runs to 3:00 p.m. It will be a lot of fun. Of course, on the 4th of July, he absolutely wishes everyone a Happy 4th

of July. Come on out to the new location for the 4th of July Bash. For two days they will be having a good time out at the park.

Deputy Mayor McCubbins thanked Mr. Chess for his comment. Deputy Mayor McCubbins has said it many times at this meeting, kudos to the first responders, we have the best in the State of Ohio, in his opinion, both Police and Fire, so thank them whenever you see them for their service. The biggest comment he wanted to make tonight was to reiterate that the logo is that we are a City in Motion. The proof is in the pudding in the 2025 data from the US Census bureau shows that Fairborn was the fifth fastest growing City incorporated in the State of Ohio. We have added 757 new residences for 2.2% growth rate. He thinks that proves we are a City in motion. Whatever we are doing, we are doing it right. He will also note that it takes time. Nothing that we change is going to show immediate results overnight. It takes a long time to see these curves change. In other words, to turn the ship into a different direction. It just takes a lot of time, but one of the things they highlighted for us is that we are affordable, closer to the Air Force Base and Wright State and we have a unique character primarily because of our Halloween status. It is a unique thing that does draw a lot of people to us, especially since we do have an original Main Street that a lot of cities don't have anymore.

Mayor Kirkpatrick also commented about Safety City. He had an opportunity to get to most of the graduations and the last one he walked out with some of the families and as they got to the parking lot the parents started to walk forward and the little boy said, stop, and told the parents to look left and then look right. The little boy was doing exactly what he had been taught. He can just imagine what the ride home was when they came to a yellow light. Those kids had a fantastic time. Officer Pettit and Ms. Meder really do put their heart and souls into it. That is a wonderful program it is going to be exciting to see it continue over the years. Yesterday, 14th, yesterday, was Flag Day. He thinks he saw Kevin Knepp out there. It was a great event over at the Greene County Fairgrounds. It was a wonderful opportunity, if you have never been to one of those, he would encourage them to attend it. They ended up moving all of the vendor booths that were going to be in tents outside were indoors and it actually worked out a lot better. They had a big crowd, even though it was pouring outside. If you have not been to a June 14th Flag Day event at the county fairgrounds, definitely put it on your bucket list next year. Juneteenth has already been mentioned, and he understands it is coming up. He understands that someone went to the FBI Academy or had some classes, Ms. Reaster. Councilwoman Reaster replied, yes, she did. It was an incredible experience to get to learn what the FBI does and how they do it and the resources that they have. They had a drill where they got to shoot pellets and then last Friday they went to the range. It was an incredible experience. In July she has the privilege and honor of one of the select few that gets to go to Quantico. Mayor Kirkpatrick mentioned the 3rd and 4th of July events. We have the biggest and best parade in Southwest Ohio. It is great to be a part of that. It has been mentioned about opportunities like the Breakfast with Mayor. They are looking at doing something a little bit different, on Monday, June 29th instead of a breakfast meeting. They have had comments that some people can't get to the breakfast, so they are looking at doing an evening event on June 29th at 6:00 p.m. More to come out on that in the next few days. Again, it is an opportunity for people to come and ask any kind of questions. Typically, there is no agenda. It is just if you have some questions or concerns with what

is going on with the community. They try to have representation from different entities like the schools, etc.

Mike McNamee, City Solicitor, stated he did notice a typo that he did not catch in Section IX, B. in the title put the word **or** between pending and imminent. It makes a difference. Mayor Kirkpatrick stated for the record.

## RECESS INTO EXECUTIVE SESSION

Mayor Kirkpatrick stated there is a need to recess into executive session pursuant to Ohio Revised Code Section 121.22 Council is requesting to enter into Executive Session to consider the following matters:

A. Personnel Matters – Ohio Revised Code Section 121.22(G)(1) to consider the appointment, employment, dismissal, discipline, promotion, demotion, or compensation of a public employee or public official.

B. Pending **or** Imminent Litigation – Ohio Revised Code Section 122.22(G)(3) to confer with the City's Legal Counsel concerning disputes involving the City that are the subject of pending or imminent court action.

At the conclusion of that Council will not be conducting any further business. Deputy Mayor McCubbins moved to recess into executive session. Councilwoman Reaster seconded. Yeas, six: McCubbins, Reaster, Allen, Dodd, Stanton, and Kirkpatrick. Nays, none. Motion carried. The meeting was recessed into executive session at 7:31 p.m.

## RECONVENE

Councilwoman Reaster made a motion to reconvene into open session. Councilman Allen seconded. Yeas, six: Reaster, Allen, Dodd, McCubbins, 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 employee or official in accordance with Ohio Revised Code Section 121.22(G)(1) and discussing pending or imminent litigation – Ohio Revised Code 122.22(G)(3) to confer with the City's Legal Counsel concerning disputes involving the City that are subject to pending or imminent action. The meeting reconvened at 8:09 p.m.

## ADJOURNMENT

Deputy Mayor McCubbins made a motion to adjourn the meeting. Councilman Allen seconded the motion. Yeas, six: McCubbins, Allen, Dodd, Reaster, Stanton, and Kirkpatrick. Nays, none. Motion carried. The meeting was adjourned at 8:10 p.m.

MAYOR

CLERK, CITY OF FAIRBORN