



## City of Trotwood

3035 Olive Road  
Trotwood, Ohio 45426  
937.837.7771  
www.trotwood.org

### Meeting Minutes

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I, Kara B. Landis, the duly appointed and qualified Clerk of Council of the City of Trotwood, Ohio, do hereby submit the attached minutes of the May 5, 2025 Regular Meeting as approved by the Trotwood City Council on the Consent Agenda, File SR25-14, during their Regular Meeting held on Monday, June 2, 2025.

IN WITNESS, WHEREOF, I have hereunto set my hand and affixed the official seal on this 3rd day of June, 2025.



*Kara B. Landis*

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Kara B. Landis, Clerk of Council

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# City of Trotwood

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## Meeting Minutes - Final

**Monday, May 5, 2025**

**6:30 PM**

**Trotwood Community and Cultural Arts Center  
4000 Lake Center Drive, Trotwood, Ohio 45426**

### **City Council**

*Mayor Yvette F. Page  
Vice Mayor Tyna R. Brown, Ward 4  
Council Member Bettye L. Gales, Ward 1  
Council Member Martha H. Clark, Ward 2  
Council Member Milton J. Pearson, Ward 3  
Council Member Rhonda C. Finley, At Large  
Council Member Denise Moore, At Large  
Clerk of Council Kara B. Landis*

**I. Call to Order**

Mayor Page called the meeting to order at 6:30 p.m.

**II. Invocation**

Mayor Page gave the Invocation.

**III. Pledge of Allegiance**

Mayor Page led the Pledge of Allegiance.

**IV. Roll Call**

Clerk Landis took Roll Call and announced that Council Member Moore was unable to attend the meeting. Further, Council Member Moore provided proper notice of her qualifying reason pursuant to Council Rule 4.5; therefore, her absence is excused.

**Present:** 6 - Council Member Gales, Council Member Clark, Council Member Finley, Council Member Pearson, Vice Mayor Brown and Mayor Page

**Excused:** 1 - Council Member Moore

**V. Approve the Agenda**

Mayor Page requested a Motion to approve the Agenda. A Motion was made by Vice Mayor Brown, seconded by Council Member Gales, and the Motion CARRIED by the following vote:

**Aye:** 6 - Council Member Gales, Council Member Clark, Council Member Finley, Council Member Pearson, Vice Mayor Brown and Mayor Page

**Excused:** 1 - Council Member Moore

## VI. Special Presentations and Recognitions

### [PR09-25](#)

Montgomery County Solid Waste Management District Plan

*Presented by John Minear*

*Manager of Community Outreach and Education*

*Montgomery County Environmental Services*

**Attachments:**     [PR09-25 SWMP Executive Summary](#)

Mr. John Minear with Montgomery County Environmental Services reviewed updates to the Montgomery County Solid Waste District Plan.

Mr. Minear stated that this Plan is required to be updated every five years, then he gave an overview of the history on how solid waste districts were formed and discussed their primary goals. Mr. Minear advised that the updated Plan includes a fee increase from \$3.00 per ton to \$3.65 per ton, effective in 2026. He explained that most households generate around one ton of waste in a year; therefore, residents will realize an increase of around \$0.65 per year. Mr. Minear commented that he expects this increase will be passed on through the hauler, who will most likely increase their costs so to cover the new fee. Mr. Minear explained that in order to fund this plan for the next 20 years, they are recommending a 6% increase each year thereafter.

In addition, Mr. Minear explained that in order to address the current littering problem, effective Spring 2026, vehicles coming into the Montgomery County Transfer Station will be required to have a tarp over their garbage.

Council Member Gales asked what happens after the end of the lifespan of a landfill (25 years). Mr. Minear explained that in most instances, the landfill will close and they are required to put a significant cap over top so nothing permeates. He went on to explain that some landfills try to buy land around them and increase the length of their permit so they can stay in business longer. He stated that because there is a Transfer Station in Montgomery County, no matter what happens to the Waste Management landfill, they will always be able to transfer trash to an appropriate location.

Council Member Finley asked if the increase affects all municipalities. Mr. Minear explained the rate increase is for all customers; commercial, industrial, and residential. She then asked what enhancements can be expected with the increased rate. Mr. Minear stated that they have been working on quarterly Styrofoam projects throughout the county and they are looking at installing permanent Styrofoam densifiers to allow for drop off six days a week. He shared that this program will pay for itself unless the market falls way below projections. He also mentioned upgrading the Environmental Learning Center, which currently has around 3,000 students a year, as it hasn't had an update since it was built in 2014. He added that all of the existing programs will continue i.e. tire buyback program, grants program with municipalities, etc., as well as new programs such as the food waste recycling stations. Council Member Finley shared that the City is very focused on litter in the community and asked if they would be interested in partnering with the City to provide the necessary supplies and volunteers. Mr. Minear offered to e-mail City Manager Pope the contact information of who to call to request needed supplies and assistance. He then mentioned grants they offer for litter prevention and

recycling that could be helpful to the City. Council Member Finley asked if they still offer to 501(c)(3) groups, entrepreneurs, and small businesses the opportunity to obtain collected office equipment. Mr. Minear explained that the program was not financially sustainable and they couldn't find anyone to partner with them; further, a lot of items were being resold rather than being used. For those reasons, the program was terminated.

Mayor Page asked Mr. Minear about the food waste recycle stations he mentioned. Mr. Minear explained that they have applied for a grant and are partnering with the Food Bank to develop a food recycling program. He described how food would be picked up from bins throughout Montgomery County and taken to a compost facility, then given back to the community for use in a community garden or by residents. He added that a key element to this grant is that the compost must be kept in Montgomery County. He went on to state that they have identified 32 locations and currently have 20 partners, and that they will be reaching out to the remaining 12 communities, which includes Trotwood, once they have a better understanding of how the program will be funded. Mayor Page wanted to be sure all details would be presented to City Council prior to placing a bin in the community. Mr. Minear assured Mayor Page that once they have all of the details organized, they will provide a full explanation of the program.

## VII. Consent Agenda

Mayor Page requested a Motion to approve the Consent Agenda. A Motion was made by Vice Mayor Brown, seconded by Council Member Clark, and the Motion CARRIED by the following vote:

**Aye:** 6 - Council Member Gales, Council Member Clark, Council Member Finley, Council Member Pearson, Vice Mayor Brown and Mayor Page

**Excused:** 1 - Council Member Moore

### [SR25-12](#)

Minutes from the April 7, 2025 Regular City Council Meeting.

**Attachments:** [2025-04-07 DRAFT Meeting Minutes](#)

The meeting minutes were approved and will be filed in accordance with the City's Retention Schedule.

### [SR25-13](#)

Minutes from the April 28, 2025 Special City Council Meeting.

**Attachments:** [2025-04-28 DRAFT Meeting Minutes](#)

The meeting minutes were approved and will be filed in accordance with the City's Retention Schedule.

[R25-29](#)

A RESOLUTION BY THE TROTWOOD CITY COUNCIL APPROVING THE RENEWAL APPLICATION FOR THE PLACEMENT OF 106.048 ACRES OF LAND, PARCEL NO. H33402307 0008, WHICH PROPERTY IS OWNED BY GLK LIMITED PARTNERSHIP AND IS LOCATED ON WEST THIRD STREET, IN AN AGRICULTURAL TAX DISTRICT IN ACCORDANCE WITH THE FARMLAND PRESERVATION ACT, SECTION 929.02 OF THE OHIO REVISED CODE.

**Attachments:**     [R25-29](#)  
                                 [R25-29 Application](#)

**Resolution No. R25-29 was approved.**

[R25-30](#)

A RESOLUTION BY THE TROTWOOD CITY COUNCIL APPROVING THE RENEWAL APPLICATION FOR THE PLACEMENT OF 50.609 ACRES OF LAND, PARCEL NO. H33 02308 0007, WHICH PROPERTY IS OWNED BY MARK AND SHARILYN MILLER AND IS LOCATED AT 325 NORTH SNYDER ROAD, IN AN AGRICULTURAL TAX DISTRICT IN ACCORDANCE WITH THE FARMLAND PRESERVATION ACT, SECTION 929.02 OF THE OHIO REVISED CODE.

**Attachments:**     [R25-30](#)  
                                 [R25-30 Application](#)

**Resolution No. R25-30 was approved.**

**Aye:**    6 -    Council Member Gales, Council Member Clark, Council Member Finley,  
                                 Council Member Pearson, Vice Mayor Brown and Mayor Page

**Excused:**    1 -    Council Member Moore

[R25-31](#)

A RESOLUTION BY THE TROTWOOD CITY COUNCIL APPROVING THE RENEWAL APPLICATION FOR THE PLACEMENT OF 40.980 ACRES OF LAND, PARCEL NO. H33 02105 0009, WHICH PROPERTY IS OWNED BY DANNY R. AND RUTH F. JORDAN AND IS LOCATED AT 5500 SEYBOLD ROAD, IN AN AGRICULTURAL TAX DISTRICT IN ACCORDANCE WITH THE FARMLAND PRESERVATION ACT, SECTION 929.02 OF THE OHIO REVISED CODE.

**Attachments:**     [R25-31](#)  
                                 [R25-31 Application](#)

**Resolution No. R24-31 was approved.**

**Aye:**    6 -    Council Member Gales, Council Member Clark, Council Member Finley,  
                                 Council Member Pearson, Vice Mayor Brown and Mayor Page

**Excused:**    1 -    Council Member Moore

[R25-32](#)

A RESOLUTION BY THE TROTWOOD CITY COUNCIL APPROVING

UPDATES TO THE SOLID WASTE MANAGEMENT PLAN OF THE  
MONTGOMERY COUNTY SOLID WASTE MANAGEMENT DISTRICT.

**Attachments:**     [R25-32](#)  
                              [R25-32 SWMP Executive Summary](#)

**Resolution No. R25-32 was approved.**

**Aye:** 6 - Council Member Gales, Council Member Clark, Council Member Finley,  
Council Member Pearson, Vice Mayor Brown and Mayor Page

**Excused:** 1 - Council Member Moore

[25-11](#)

A Motion by the Trotwood City Council to schedule a Public Hearing and to authorize the Law Director to draft an ordinance expressing the City of Trotwood's intent to negotiate jointly with other cities in the region on a one-price schedule under which electric light services shall be furnished to the residents of the City for the purpose of street lighting.

**The Motion was approved and a Public Hearing will be scheduled.**

**Aye:** 6 - Council Member Gales, Council Member Clark, Council Member Finley,  
Council Member Pearson, Vice Mayor Brown and Mayor Page

**Excused:** 1 - Council Member Moore

## VIII. Open Public Hearings

**To comment during a Public Hearing, please fill out a Speaker Form and return it to the Clerk of Council BEFORE the start of the meeting. When instructed, you will be asked to step to the microphone, state your name and address, and proceed with your comments. Only comments relating to that specific Ordinance are permissible. You will have three (3) minutes to speak.**

**Mayor Page requested a Motion to open the Public Hearings. A Motion was made by Council Member Gales, seconded by Vice Mayor Brown, and the Motion CARRIED by the following vote:**

**Aye:** 6 - Council Member Gales, Council Member Clark, Council Member Finley,  
Council Member Pearson, Vice Mayor Brown and Mayor Page

**Excused:** 1 - Council Member Moore

**IX. Ordinances**[OR05-25](#)

AN ORDINANCE BY THE TROTWOOD CITY COUNCIL ACCEPTING THE RECOMMENDATION OF THE TROTWOOD PLANNING COMMISSION TO REPEAL CURRENT SECTION 1123.02 “DEFINITIONS” OF THE TROTWOOD CODES OF ORDINANCES, AND ENACT A NEW SECTION 1123.02 “DEFINITIONS” TO DEFINE CERTAIN WORDS AND TERMS UTILIZED IN THE ZONING CODE.

**Attachments:**     [OR05-25](#)  
                              [OR05-25 Exhibit A](#)

City Manager Pope reminded Council that a Workshop reviewing these terms was held on Monday, April 28, 2025. Planning and Zoning Administrator Tyler Hauck explained that these definitions should clarify the City's Zoning Code in order to improve the process for staff and applicants.

Clerk Landis announced there were no public comments on this ordinance.

Mayor Page requested a Motion to approve Ordinance No. OR05-25. A Motion was made by Vice Mayor Brown, seconded by Council Member Clark, and the Motion CARRIED by the following vote:

**Aye:** 6 - Council Member Gales, Council Member Clark, Council Member Finley, Council Member Pearson, Vice Mayor Brown and Mayor Page

**Excused:** 1 - Council Member Moore

[OR06-25](#)

AN ORDINANCE BY THE TROTWOOD CITY COUNCIL ACCEPTING THE RECOMMENDATION OF THE TROTWOOD PLANNING COMMISSION TO REPEAL CURRENT APPENDIX B “SCHEDULE OF PERMITTED AND CONDITIONAL USES BY DISTRICT” IN TITLE NINE “SUPPLEMENTAL ZONING REGULATIONS” OF THE TROTWOOD CODES OF ORDINANCES, AND ENACT A NEW APPENDIX B “SCHEDULE OF PERMITTED AND CONDITIONAL USES BY DISTRICT” TO ALIGN PERMITTED AND CONDITIONAL USES WITH THE 2025 COMPREHENSIVE LAND USE PLAN.

**Attachments:**     [OR06-25](#)  
                              [OR06-25 Exhibit A](#)

City Manager Pope reminded Council that there was a Workshop on Monday, April 28, 2025 reviewing the proposed revised Appendix B. Planning and Zoning Administrator Hauck reiterated the need to update the Appendix to align permitted and conditional uses with the newly adopted 2025 Comprehensive Land Use Plan.

Mayor Page requested a Motion to approve Ordinance No. OR06-25. A Motion was made by Council Member Gales, seconded by Vice Mayor Brown, and the Motion CARRIED by the following vote:



**Aye:** 6 - Council Member Gales, Council Member Clark, Council Member Finley, Council Member Pearson, Vice Mayor Brown and Mayor Page

**Excused:** 1 - Council Member Moore

[OR07-25](#)

AN ORDINANCE BY THE TROTWOOD CITY COUNCIL REPEALING CURRENT SECTION 1166.02 "APPLICATION PROCEDURE" OF THE TROTWOOD CODES OF ORDINANCES, AND ENACTING A NEW CHAPTER 1166.02 "APPLICATION PROCEDURE" TO INCLUDE A WAIT PERIOD FOR RESUBMISSIONS.

**Attachments:**     [OR07-25](#)  
                                 [OR07-25 Exhibit A](#)

City Manager Pope advised this ordinance implements a wait period in order to resubmit an application that has recently been denied. Planning and Zoning Administrator Hauck explained that this same mandatory wait period has already been added to sections of the Code that apply to the Planning Commission and Board of Zoning Appeals. This ordinance applies the same mandatory wait period to the Salem Avenue Redevelopment Area (SARA), which has its own section in the Code.

Clerk Landis advised there are no public comments on this ordinance, nor were there any public comments on Ordinance No. OR06-25.

Mayor Page requested a Motion to approve Ordinance OR07-25. A Motion was made by Vice Mayor Brown, seconded by Council Member Gales, and the Motion CARRIED by the following vote:

**Aye:** 5 - Council Member Gales, Council Member Clark, Council Member Pearson, Vice Mayor Brown and Mayor Page

**Excused:** 1 - Council Member Moore

**Abstain:** 1 - Council Member Finley

## **X. Close Public Hearings**

Mayor Page requested a Motion to close the Public Hearings. A Motion was made by Council Member Gales, seconded by Vice Mayor Brown, and the Motion CARRIED by the following vote:

**Aye:** 6 - Council Member Gales, Council Member Clark, Council Member Finley, Council Member Pearson, Vice Mayor Brown and Mayor Page

**Excused:** 1 - Council Member Moore

**XI. Resolutions**[R25-33](#)

A RESOLUTION BY THE TROTWOOD CITY COUNCIL AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH MONTGOMERY COUNTY ACCEPTING COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS IN THE AMOUNT OF \$75,000.00 FOR PHASE TWO OF THE EPPINGTON WATER MAIN REPLACEMENT PROJECT.

**Attachments:** [R25-33](#)

Deputy City Manager Kellum reminded Council that City staff has been working on water lines and infrastructure upgrades on Eppington Drive for a number of years. She explained that these repairs must be done before repaving the roadways as the standing water damages the pavement.

Council Member Finley asked about the cost of the total project. Deputy City Manager Kellum advised that the estimated total cost is around \$2 million, if the anticipated grant funding is received, and the project will be completed in four phases, with this being phase two.

Council Member Pearson asked about the timeline for this phase of the project. Deputy City Manager Kellum explained that the work is scheduled to begin this summer and estimated to be completed in the fall.

Mayor Page requested a Motion to approve Resolution No. R25-33. A Motion was made by Vice Mayor Brown, seconded by Council Member Gales, and the Motion CARRIED by the following vote:

**Aye:** 6 - Council Member Gales, Council Member Clark, Council Member Finley, Council Member Pearson, Vice Mayor Brown and Mayor Page

**Excused:** 1 - Council Member Moore

[R25-34](#)

A RESOLUTION BY THE TROTWOOD CITY COUNCIL AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH MONTGOMERY COUNTY ACCEPTING COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS IN THE AMOUNT OF \$75,000.00 FOR PHASE TWO OF THE MACMILLAN WATER MAIN REPLACEMENT PROJECT.

**Attachments:** [R25-34](#)

City Manager Pope stated that this resolution is similar to Resolution No. R25-33 except that it applies to MacMillan Drive, which is a two-phase project.

Mayor Page requested a Motion to approve Resolution No. R25-34. A Motion was made by Vice Mayor Brown, seconded by Council Member Clark, and the Motion CARRIED by the following vote:

**Aye:** 5 - Council Member Gales, Council Member Clark, Council Member Pearson, Vice Mayor Brown and Mayor Page

**Excused:** 1 - Council Member Moore

**Abstain:** 1 - Council Member Finley

[R25-35](#)

A RESOLUTION BY THE TROTWOOD CITY COUNCIL AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH MONTGOMERY COUNTY ACCEPTING COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS IN THE AMOUNT OF \$75,000.00 TO RENOVATE, DEMOLISH, AND/OR PROVIDE PROPERTY CLEAN-UPS TO BLIGHTED, VACANT, AND ABANDONED PROPERTIES WITHIN THE CITY OF TROTWOOD.

**Attachments:** [R25-35](#)

City Manager Pope stated that accepting this grant will help cover the costs associated with eliminating blight in the community and the remediation of several properties.

Mayor Page requested a Motion to approve Resolution No. R25-35. A Motion was made by Council Member Gales, seconded by Vice Mayor Brown, and the Motion CARRIED by the following vote:

**Aye:** 6 - Council Member Gales, Council Member Clark, Council Member Finley, Council Member Pearson, Vice Mayor Brown and Mayor Page

**Excused:** 1 - Council Member Moore

[R25-36](#)

A RESOLUTION BY THE TROTWOOD CITY COUNCIL AUTHORIZING THE CITY MANAGER TO ENTER INTO AN LPA FEDERAL ODOT - LET PROJECT AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION ACCEPTING GRANT FUNDS IN AN AMOUNT NOT TO EXCEED \$987,120.00 TO IMPROVE PEDESTRIAN ACCESS ALONG OLIVE ROAD AND ENHANCE THE INTERSECTION OF OLIVE ROAD AND STATE ROUTE 49, PROJECT ID NO. 117202.

**Attachments:** [R25-36](#)  
[R25-36 Exhibit A](#)

City Manager Pope stated that the City has been working on this project for some time, which includes the redesign of the intersection of State Route 49 and Olive Road, and the infill of sidewalks along Olive Road to address pedestrian safety.

Mayor Page requested a Motion to approve Resolution No. R25-36. A Motion was made by Vice Mayor Brown, seconded by Council Member Gales, and the Motion CARRIED by the following vote:

**Aye:** 6 - Council Member Gales, Council Member Clark, Council Member Finley, Council Member Pearson, Vice Mayor Brown and Mayor Page

**Excused:** 1 - Council Member Moore

**XII. Open Public Hearing**

To comment during the Public Hearing on the Petition to Appeal the Planning Commission's Decision in Case PL-2025-02, please fill out a Speaker Form and return it to the Clerk of Council BEFORE the start of the meeting. When instructed, you will be asked to stand and be sworn in. When it is your turn to speak, you will be asked to step to the microphone, state your name and address, and proceed with your comments. Only comments relating to this appeal are permissible. You will have three (3) minutes to speak.

Law Director Conard stated that the next item on the Agenda is a Petition to Appeal a decision of the Planning Commission, which per the Charter, Council is who hears the appeal. He explained that this is a quasi-judicial hearing, which means that Council will function more like a jury in a civil or criminal case. He explained that there will be a short presentation by Planning and Zoning Administrator Hauck, followed by a presentation led by Joseph Moore, attorney for Zappia Motors, along with the applicants, Zappia Motors, who will speak. Once the petitioner present their case, the public will be invited to make comments that will be limited to three (3) minutes. He advised Council that they are allowed to ask questions of the people who are testifying, which people will be sworn in by the Mayor. He added that once everyone has testified, the public hearing will be closed and Council will move into private deliberations just like a jury, where they will discuss the case and weigh the evidence, then make a decision that will be announced upon returning to the dais.

He reminded Council that they have the option to affirm, reverse, or modify the decision of the Planning Commission.

Mayor Page requested a Motion to open the Public Hearings. A Motion was made by Vice Mayor Brown, seconded by Council Member Gales, and the Motion CARRIED by the following vote:

**Aye:** 6 - Council Member Gales, Council Member Clark, Council Member Finley, Council Member Pearson, Vice Mayor Brown and Mayor Page

**Excused:** 1 - Council Member Moore

**XIII. Petition to Appeal**

Clerk Landis instructed those wanting to comment during the public hearing to stand, along with the petitioners, and raise their right hand.

Mayor Page then administered an Oath of Truth.

Clerk Landis instructed those wanting to comment to state their name and address for the record when they are called to the podium, then they can proceed with their comments. She advised that only comments relating to this appeal are permissible and citizens will have three (3) minutes to speak.

[25-10](#)

AFFIRM, REVERSE, OR MODIFY THE DECISION OF THE PLANNING COMMISSION IN CASE PL-2025-02 on February 25, 2025 denying a

request by Zappia Motors, located at 5242 Salem Bend Drive, to modify a previously approved Conditional Use Exception (PC-22-04) increasing the total number of vehicles that can be sold on the premises from five (5) to ten (10).

- Attachments:**
- [1. 2022-02-22 PC Meeting Minutes FINAL](#)
  - [2. 2022-03-16 PC Meeting Minutes FINAL](#)
  - [3. 2024-10-22 PC Packet Staff Report \(ZV-2024-21\)](#)
  - [4. 2024 PPT \(ZV-2024-21\)](#)
  - [5. 2024-10-22 PC Meeting Minutes FINAL](#)
  - [6. 2024-11-12 PC Packet Staff Report \(ZV-2024-21\)](#)
  - [7. 2024-11-12 PC Meeting Minutes FINAL](#)
  - [8. 2024-11-12 PC Denial Letter \(ZV-2024-21\)](#)
  - [9. 2025-02-25 PC Packet Staff Report \(PL-2025-02\)](#)
  - [10. 2025 PPT \(PL-2025-02\)](#)
  - [11. 2025-02-25 Meeting Minutes FINAL](#)
  - [12. 2025-03-25 Meeting Minutes DRAFT](#)

Planning and Zoning Administrator Hauck provided an overview of the case, explaining that in March 2022, the applicant received a conditional use exception to operate a used car dealership and automotive repair shop. Further, as a condition of the initial approval, the applicant was allowed to have no more than five cars on site at any one time.

Administrator Hauck stated that in September 2024, the owner received a violation for having six cars on site at one time. He shared that this prompted the owner of Zappia Motors to apply for a modification to their already approved exception, increasing the number of cars allowed on site at one time to ten. He went on to say that the owner came before the Planning Commission in October 2024, but the case was continued to November because the Commission had questions for the fire department.

Administrator Hauck stated that in November 2024, the Planning Commission denied the owner's request to increase the number of cars allowed on site at one time to ten. He explained that the owner reapplied for the same modification and the case was heard during the February 25th Planning Commission meeting when it was also denied.

Administrator Hauck shared a PowerPoint presentation (attached), which showed several views of the property, to include a picture of how the property would look with ten cars on the lot at one time. He explained there are quite a few zoning standards that relate to parking; one being the dimensions of any parking space is required to be 20 feet long by 10 feet wide. Also, the parking lot is required to be properly striped. He stated that there are two other components to consider relating to use as an auto repair shop. First, there is a requirement of two parking spaces per bay and there are eight bays at this location, so 16 parking spaces are required for such use. He added that as it relates to auto sales, there should be one parking space per 2,000 square feet of vehicle sales, which in this case equates to one parking space.

Administrator Hauck explained that overall, the zoning code dictates that a total of 17 parking spaces are required for this use. He stated that it is important to understand that these standards apply to parking for customers and employees, it does not include any vehicles for sale. He went on to say that another factor to consider is drive aisle width, and while the code does not require a specific width, best practice considers 24 feet for two-way traffic with parking to be appropriate, allowing for 12 feet on both sides so cars can pass each other and park safely. He summarized this information by stating that overall, a total of 27 parking spaces would be required to be compliant with the Zoning Code.

Administrator Hauck also shared the concerns of staff throughout this entire process. One concern being the size of the lot, and if there is too much proposed to be happening on the property based on its size. Further, he shared staff's concern for the parking requirements not being met, no striping, and also the width of the drive aisle.

Administrator Hauck explained that due to the expressed safety concerns, he asked the owner to set up the lot to show how ten cars would be displayed and the fire department inspected the property. He then shared several slides with various views of the property so officials could view the lot with ten cars.

Council Member Pearson asked Administrator Hauck about the number of parking spaces. Administrator Hauck clarified that there is 91 feet along the side of the property, and when divided by ten feet for each parking space, that allows for nine parking spaces. Council Member Pearson then asked where do the customers park. Administrator Hauck stated his question would be better answered by the applicant as staff also has that concern.

Council Member Finley referred to Administrator Hauck's presentation and asked about his comment that there would only be one parking space for auto sales. Administrator Hauck confirmed that the parking requirements for auto sales is based on the square footage of space used for auto sales; one space is required per 2,000 square feet of property used for sales. He explained that in this instance, they would only be allowed one parking space for auto sales use. He went on to state that a lot of the parking requirements applicable to this property come from the fact that there are eight service bays, which require two spaces per bay.

Council Member Finley recited that in 2022, the owner was conditionally approved to have up to five parking spaces for used car sales, then asked if this hearing is to determine if Council wants to take away the conditional approval. Administrator Hauck explained that this request is to expand the approval from five cars to ten cars. Council Member Finley also asked if, based on Administrator's Hauck's findings and information from the fire department, expanding the number of cars is not permitted. Administrator Hauck stated that the Zoning Code dictates what the requirements are, and as far as the fire department, someone else will talk about their findings relating to safety concerns. He added that the bottom line is that the Zoning Code requires a certain number of parking spaces for the use of used car sales and they do not have the required number of spaces. Council Member Finley asked if there have been any issues with the current number of cars. Administrator Hauck advised that he is not aware of any issues. She then asked if any other options have been provided to the applicant. Administrator Hauck stated there may be

other sites available that are larger and could accommodate used auto sales, but he is not aware of City staff providing any of those options.

Mayor Page then called the petitioner to the podium, at which time Law Director Conard advised Council that as they listen to the evidence, should they have further questions of Administrator Hauck, they can ask him to come back to the podium.

Mr. Joseph Moore stated his name for the record and commented that his office was located in Vandalia, Ohio, but that he is now semi-retired; his mailing address is Post Office Box 186, Vandalia, Ohio. Attorney Moore announced that he was appearing on behalf of Zappia Motors, which has been in business since 2022 when they were granted the conditional exception allowing five parking spaces. He explained that they are not asking for a variance to do anything to the building or for signage, or anything the like. He stated that the owners are simply asking for the opportunity to expand the original approval of five cars to ten cars on site at times. He commented that Johnny Zappia and Mike Fields are the owners of Zappia Motors, and while they will talk about the business, he wanted to be clear on their position, which is to expand their right to park potentially ten cars where five cars are permitted now. He referred Council to the slide currently being shown, which depicts what ten parked cars would look like. He went on to state that the fire department previously testified they have no safety concerns from their perspective, and he expects they are willing to testify to the same during this hearing. He added that Mr. Zappia and Mr. Fields can talk about the parking spaces and how things have worked since opening in 2022, and also answer some of the questions that Administrator Hauck raised in his presentation. He added that they have two employees, plus the two owners, and they have a service aspect and a sales aspect of their business. Attorney Moore stated that it is important to understand that there have been no complaints to the City of Trotwood about Zappia Motors at this location. He further stated that they have never been sued for any deceptive practices or anything of the like. He added that as one can see from the pictures, they keep the premises in good condition. He went on to state that Zappia Motors is a small business and they want to continue doing business where they are in Trotwood, but they are having difficulty doing so because they can only have five cars displayed at one time. He stated what they are looking for is the ability to have up to ten cars displayed at one time. Attorney Moore explained that the minutes from the previous meetings document that there have been no citizens objecting to the additional cars they are requesting. He added that he is aware of citizens attending this evening's hearing that plan to talk about the type of business Zappia Motors is, how the citizens of Trotwood interact with the company, and why the company is a viable entity to this community. Attorney Moore plans to have the owners talk about why it is necessary to have the ability to show ten cars at one time, even though many times, as Mr. Fields testified to during the last hearing, there may be less than ten cars on site at one time.

Mr. Johnny Zappia stepped to the podium and explained that the business was allowed to sell five cars, but sometimes they get trade ins, and one day he was told he was over the limit and that he would have to go through zoning if he wanted to expand his initial approval. Mr. Zappia stated that he has only had five cars on the lot since then. He said that he contacted the zoning department and has done everything he was asked to do, but when the board was getting ready to vote, a member suggested that the fire department

inspect the site for any safety concerns that ten cars may cause. He went on to say that the fire chief came out and viewed the lot with ten parked cars and he didn't have any issues at all. He stated there was another zoning meeting, but his request was again denied. Mr. Zappia explained that he does all the work and that there are two bays for each of the eight bay doors. He went on to explain that when customers come in the day of their service appointment, their car goes into a bay where it stays until it is done. Mr. Zappia reiterated that everything he does is by appointment only; there are no customer vehicles being worked on outside. He added that the available parking around back is not only for employees, but also for people looking at cars. Mr. Zappia shared that he has been in the car business all of his life and explained that he anticipates they may have at the most around seven or eight cars on the lot at one time, which could then increase the total number of cars to ten if they get a trade-in. He stated that there should not be a lot of room in between the cars when parked out front, explaining that when a customer likes a car it gives them the opportunity to back it out away from the others to display that particular car's individuality. He then reiterated that his service is done by appointment and customer's cars are in the bay until they are picked up. Mr. Zappia stated that parking is not an issue and invited Council to stop by any time to see his business; he guaranteed they would be impressed. He added that he is doing the best he can, but he needs to have more than five cars to survive in these times. He explained that he inspects all of his cars before putting them on the lot; adding that is the way his family has done business since 1968, unlike others in the same business who don't service the car, they don't put on new brakes or tires, they simply set the car outside and sell it for a couple hundred bucks and without a warranty. He stated that he needs more cars on his lot because he doesn't make as much as others do because he inspects each and every car, and puts more into them, while others sell them as is.

Vice Mayor Brown asked if, when it was disclosed in regards to the five vehicles, the number of parking spaces per bay as far as the spaces that should have been required was also disclosed. Mr. Zappia stated he did not remember that being said. Vice Mayor Brown then asked if his primary focus is to sell vehicles or to service them. Mr. Zappia answered that his focus is both because of the number of customers he has that expect both. He went on to explain that his customers rely on him to sell them a car and then to take care of the car in the future. Mr. Zappia clarified that he couldn't buy the building until they were approved to sell cars because sales and service go hand-in-hand with his customers.

Council Member Pearson asked about a truck parked by the bay doors on the slide with the picture of ten cars, for a total of 11 cars, then stated his main concern is about customers who may park across the street and then cross Salem Bend Drive to look at cars. Mr. Zappia stated that customers pull into the lot and stop near the car they are interested in. He added that when they want to look at a car, the customer is then instructed to pull their car into the area where employees park. Council Member Pearson asked if they had a showroom. Mr. Zappia said they have exotic cars in an area they call the showroom, meaning on the occasion when they acquire a rare or unique car they display them in the showroom. He stated that they will take pictures of cars inside and post the pictures online, then park the cars for sale outside. Council Member Pearson asked how many cars were in the showroom area at this time. Mr. Zappia responded that there are currently three vehicles inside,



which are not for sale. He commented that on a really nice day they may bring one of the exotic cars outside, but typically they don't let them sit outside. Council Member Pearson asked about having oversized cars. Mr. Zappia said they normally deal in cars and light trucks, but occasionally they may have a work van as they have contractor's stop by from Home Depot. He commented that the more cars you have, the more people will stop by, that's the bottom line. Council Member Pearson mentioned the SUV in the picture (parked in front of the bay doors), to which Mr. Zappia responded that customers have people drop them off to pick up their car, and that cars are not parked like the SUV in the picture for periods of time.

Council Member Finley thanked Mr. Zappia for his commitment to the Trotwood community and recalled that when he purchased the building he expressed he could not do so if he could not have both sales and service. She commented that he does a great job with keeping the building looking great on the outside and that the building could be blight and vacant like other buildings on Salem Avenue. Council Member Finley stated that she has always noticed the Zappia family's sense of integrity and that they have always only wanted the best for not only Trotwood, but their customers. She added that they have always been compliant and what she hears him saying, just for clarification, is that if there is an issue with more than ten cars, he would comply with whatever that issue is to make sure there are no more than ten cars. Mr. Zappia confirmed that to be correct and assured Council there would not be more than ten cars on the lot at all times; he added that it is not possible for him to buy that many of the types of used cars he buys. He added that they operated the same way at Salem Chrysler, it is how he was taught by his mother and father; how to keep integrity in sales. Council Member Finley then asked in regards to the eight bays, if they were always full, and if not, is there an opportunity to put the customer's vehicles in a bay. Mr. Zappia stated that the bays are not always full and he went on to explain that he and another technician work on cars in the bays and that they do try to always keep one bay open in case they get an emergency towed vehicle. He added that they do not leave tows outside because he doesn't want them sitting out on the property, and that you will never see a car with a flat tire or that won't start outside on his car lot. Council Member Finley asked to confirm Attorney Moore's comment that they have not had any issues, complaints, or citations on that site since he has been there. Mr. Zappia said the only issue he had was when they said he had six cars on the lot, at which time he went to zoning to do the right thing by asking for more cars.

Council Member Gales thanked Mr. Zappia for being a great member of the community, then asked for her own clarification how it was known that he had six cars instead of the approved five; was it not aesthetically pleasing or why was it an issue. Mr. Zappia stated that he was never told why it was an issue or who raised the issue. She then questioned if one car made that much of a difference, how much of a difference would five more cars make. Mr. Zappia reiterated that most times there would not be ten cars, most times it would be six, seven, or eight cars, which would fit with plenty of room, then commented that currently there are only three cars on the lot and it looks boring; he needs more cars so it looks like a business. He added that he was proud to see more cars on the lot in the pictures shown because it looks like a used car operation, which is the way it is supposed to look and why he is now in front of Council.

Council Member Finley asked Mr. Zappia, just to be clear, if he was given

permission to expand his business in Trotwood, would he continue to comply to have no more than ten (10) cars. Mr. Zappia answered stating he absolutely would comply, and gave his word that there would be no more than ten (10) cars on the lot.

Law Director Conard advised that Council may affirm, reverse, or modify the decision of the Planning Commission. He went on to say that one question that comes to mind is regarding signage, then asked Mr. Zappia if he has any plans to add signs that would be associated with a used car lot. Mr. Zappia stated that the front of the building says Zappia Motors, and it says Service over the Service Center, but he was told things like flags are against the Code. Mr. Zappia went on to say that when you see the name Zappia on the building people know the business is about selling and servicing cars since they have been doing so in the area since 1968. Law Director Conard asked about the bays and if they open on both sides. Mr. Zappia said the doors only open from the front, but that each bay is two cars deep. Law Director Conard then asked about storing some vehicles inside. Mr. Zappia clarified that the bay doors are strictly for the service department and that if you look to the right of the bay doors, or behind the front of the building, there is a big door that leads into the showroom. Law Director Conard asked if you can see the cars from the windows in the front of the building, to which Mr. Zappia responded that the windows are to the offices, not the showroom. Law Director Conard then asked if there is a waiting area for customers, and if cars could fit in either of those areas. Mr. Zappia stated that there are two waiting areas and cars could fit there. Law Director Conard then asked if it would be practical to store some cars inside and not always have the other five cars outside. Mr. Zappia explained that he really needs to be able to show six or seven cars outside to make it look like a used car sales operation. He added that while he could put out signs pointing to various places the used cars might be parked, people want to be able to drive by and see them with their own eyes; they have to be visible to be successful.

Council Member Pearson asked if sales are done by appointment. Mr. Zappia stated that most sales are from drive-bys or internet leads.

Vice Mayor Brown asked if he uses the grass area for vehicles. Mr. Zappia said they did at first, but his lawn is well-maintained and always trimmed so he doesn't park cars on it anymore because he doesn't want to ruin the grass.

Council Member Finley asked Administrator Hauck about Mira Auto Sales on Salem Avenue, stating that there are a lot of cars and cars are parked in the grass, it is very full; she asked about the regulations for that particular site. Administrator Hauck commented that he suspects the business is likely grandfathered, but would still have regulations, for example, if they are parking in the grass that would be a violation. He added that he is aware that the Code Enforcement Division has been to that business a couple of times, then stated that it's a situation when code enforcement is made aware of an issue, they then go out and address the issue. Council Member Finley shared her concern for how many total cars are on the lot, that there are cars more than ten deep, and you can't pull the cars out. Administrator Hauck advised that such an issue would be addressed by the Code Enforcement Division; they would be the ones to visit the property and determine if there are any violations. Council Member Finley stated that she wants to be sure there is consistency and fairness for all, and to find ways we can help small and large

businesses prosper. Administrator Hauck agreed with having consistency.

Mayor Page called Fire Chief Haacke to the podium. Chief Haacke shared that late last year he was contacted by Administrator Hauck who stated that the Planning Commission had concerns on being able to get emergency vehicles on the premises if the business was allowed to add five more cars. He explained that Administrator Hauck arranged for Mr. Zappia to put ten cars on the lot at one time. Chief Haacke advised that he viewed the site and said there were no issues from the fire department; ten cars on the lot at one time does not hinder them from getting in or out of the lot. He added that there is only one way in and one way out so they would have to back out regardless, but the aisle way is wide enough even with the SUV parked in front of the bay doors as shown in the picture. Chief Haacke reiterated that there are no issues for emergency equipment.

Mayor Page asked Clerk Landis if there were any public comments. Clerk Landis asked if the petitioner was planning to have Mr. Fields speak. Attorney Moore advised that Mr. Fields was not going to speak at this time. Attorney Moore then directed Mr. Allen to the podium. Mr. Tim Allen of 5763 Rowena Avenue advised he was the former police chief in Madison Township, and when they merged, he moved over to the Trotwood Police Department. He went on to say that he has known Mr. Zappia and his parents forever and that he has done a lot of business with them. He explained that when Mr. Zappia moved his business to the current location, he decided to go back to him because he was not happy with Grismer's service, adding they don't pick you up or drop you off, they don't do good work, and their prices are never what they quote. Mr. Allen stated that he has bought two cars from Mr. Zappia, and commented that the red corvette in one of the pictures is his. He then shared a story of when his car wouldn't start and Mr. Zappia replaced the starter. When he went to pick up his car, there was a corvette inside. Mr. Allen wanted to buy the corvette but Mr. Zappia wouldn't sell the car because he had not yet serviced it and he won't sell any car until after he does an inspection to make sure he is comfortable selling it. He commented that he waited until Mr. Zappia was done inspecting the car and then bought the car a few days later; that is the kind of service Mr. Zappia offers. He added that when he takes his car in for service he doesn't always have a way home, so they take him home and when his car is ready, they come get him. He knows Grismer doesn't do that, nor do other dealerships, but Zappia's do it because they care. Mr. Allen stated that he understands they were allowed five cars on the lot at one time, but as we all know, things change, things have gotten more expensive, which also affects the price of services. He went on to say that the Zappia's operated the Salem Chrysler dealership on Salem Avenue for many years, and they decided to stay in Trotwood because they love the community and wanted to continue contributing back to the community. He commented on how they take care of their people and stated that some customers have been coming back for over 30 years; once people go there, they never leave. Mr. Allen stated that Mr. Zappia's prices are cheaper than anyone else and they do quality work while taking excellent care of their customers and he would hate to see Zappia Motors leave Trotwood. Mr. Allen commented that another community would be blessed to have Zappia Motors, but Council has the opportunity to keep them in the community, and he was asking that they do so.

Clerk Landis then called Mr. English to the podium. Mr. Shane English of 4790 North Union Road stated that he has been a member of this community since

around 1974 and he bought his first car from Mr. Zappia's parents, who sold quality cars. He went on to say that Trotwood is about growth and that the community is on a good path right now. He shared that he feels some of the current codes may be too restrictive, and that Mr. Zappia's business is a good, quality business, that needs to increase the number of cars on his lot for his business to grow. He went on to say that he went to Mira Auto Sales looking for a truck because at the time he thought Mira was Zappia's. However, when he pulled into the lot and realized it wasn't, he left. It wasn't until a visit to Home Dept that he realized Zappia Motors was located across the street. Mr. English stated that their services are impeccable and he hopes Council will consider giving them the ten spaces they need in order to draw more people to Trotwood and so that Zappia Motors can grow.

Clerk Landis then called to the podium, another gentleman who indicated he wanted to speak. Mr. Richard Burks of 4600 Tara Way stated that he had just found out about this hearing and felt it was very important for him to attend, so he changed his plans to be here. He shared that the terms honest car salesman or honest mechanic are not terms you typically hear, usually you hear the opposite. He went on to say that over the last 10-15 years, he has done business with Mr. Zappia and he knows him to be both. He added that he appreciates the level of service they do and explained that he has some high-end cars that he takes to Mr. Zappia rather than to the dealership, and he has never had a problem, they even keep the vehicles inside the bays if they have to store them overnight. He commented that he pastors a small church and is also a financial advisor so he deals with a lot of businesses, and terms like quality, honesty, and integrity are not traits he sees as often as he used to. He stated that members of his church now go to Mr. Zappia and then shared a story of a member who was told it would cost \$7,500 to repair his truck so he recommended he check with Mr. Zappia first. Mr. Zappia charged him \$250 and told him to drive it for a couple of weeks to be sure it was fixed; he said that was two years ago and the gentleman is still driving the truck. He added that members of the gym he attends, as well as the owners, all go to Zappia Motors, it's nearly a household name when it comes to car sales and repairs, and he does not say that lightly. He commented that the atmosphere there is very professional, yet friendly, and it is very clean. He shared that he and Mr. Zappia have had conversations about the economy and how hard it is to survive on the limited number of cars he can sell. He shared that he understands how the economy works and that prices are increasing for everyone. Mr. Burks said he encouraged Mr. Zappia to go back to the City and plead his case and tell them what he needs. He finished by commenting that Zappia Motors is a reputable business and hopes Council can find some way to keep them growing because he loves referring people to Zappia Motors.

Clerk Landis advised there were no further public comments.

Attorney Moore advised Council that Mr. Fields would simply reiterate what Mr. Zappia said so he is not going to speak and that the petitioner had no further evidence or testimony to present. He went on to say that Zappia Motors is a good community entity and they would appreciate Council giving them the utmost consideration in allowing up to ten cars on their lot.

Law Director Conard noted that having standing to speak in these types of quasi-judicial hearings is typically from people who live close to the property to be affected. Further, he believes the testimony heard tonight, and he was

asking Attorney Moore if he agreed, was more related to reputational evidence, not speakers having standing as it relates to the issue of compatible use per the Code. Attorney Moore stated that it is primarily commercial property surrounding the business so he can't say that Law Director Conard is exactly on point. He added that he was told by his clients that those who spoke live in the community and that is why there were here. Law Director Conard asked if they can agree with the characterization that tonight, their testimony was more about the good business reputation of the company. Attorney Moore agreed and stated he had no problem with that.

#### **XIV. Close Public Hearing**

Mayor Page requested a Motion to close the Public Hearings. A Motion was made by Council Member Gales, seconded by Vice Mayor Brown, and the Motion CARRIED by the following vote:

**Aye:** 6 - Council Member Gales, Council Member Clark, Council Member Finley, Council Member Pearson, Vice Mayor Brown and Mayor Page

**Excused:** 1 - Council Member Moore

#### **XV. Deliberations on Petition to Appeal Planning Commission Decision in Case PL-2025-02**

Law Director Conard announced that Council would be entering into private deliberations pursuant to Ohio law and specifically authorized under the Ohio Meeting Acts pertaining to quasi-judicial actions of the body, which are exempt from public meeting requirements, not subject to the Ohio Sunshine Laws.

After approximately 50 minutes of deliberating, Council returned to the dais and Law Director Conard announced that Council has requested that the applicant consent to suspending deliberations for the purpose of taking the applicant up on their invitation to view the site, then reconvene in June with the possibility of reopening the public hearing for evidentiary purposes, which Law Director Conard would notify them if so. Law Director Conard asked if the applicant has any objection to continuing the deliberations to the June meeting. Attorney Moore advised that after speaking with his client, they have no objection to suspending the Executive Session tonight in order to have a chance for whomever to look at the property. Attorney Moore asked that before visiting, they give Mr. Zappia and Mr. Fields notice so they can be on the premises. Vice Mayor Brown asked why it would be necessary for notice to be given since there would not be a need for any conversation, it's only a site visit. Vice Mayor Brown then stated there should be no conversation and Law Director Conard suggested Attorney Moore was simply saying that he would like for his client to know they are coming in case they want to go on the grounds and inside; obviously anyone can drive by.

Mayor Page clarified for the record that Council was not in executive session, it was quasi-judicial deliberations. Attorney Moore stated that he used that term because that is what the posted sign said; he then restated they suspended their deliberations.

#### **XVI. Old and New Business**

There was no old or new business presented.

## **XVII. Comments**

- A. PUBLIC COMMENTS: To comment on a topic not scheduled for a Public Hearing, please fill out a Speaker Form and return it to the Clerk of Council BEFORE the start of the meeting. When called upon, proceed to the microphone, state your name and address, and proceed with your comments. You will have three (3) minutes to speak.

There were no Public Comments.

- B. Clerk of Council

There were no announcements.

- C. City Manager

City Manager Pope had no comments.

- D. Council Members

Council Members had no comments.

- E. Mayor

Mayor Page asked Max Fuller, Supervisor of the Code Enforcement Division, to stand and be acknowledged. Mayor Page shared that last month she mentioned other City departments and apologized for not mentioning Code Enforcement. She expressed her appreciation to Max and his department for all they do.

Mayor Page then thanked Calvin Heard, President of the Trotwood-Madison Educational Foundation, and shared that Councilwoman Gales, Vice Mayor Brown, and she attended their Annual Gala last Friday evening. She commented how much she appreciates having their organization.

Mayor Page shared that her recycle bin was not picked up and she learned that it was because the handle was facing the wrong way. She explained that in order for your trash to be picked up, the garbage can handle must be facing your house so that the arms on the truck can pick up the can and dump the trash into the truck.

## **XVIII. Adjourn**

Mayor Page confirmed all minds were clear and adjourned the meeting at 9:20 p.m.