



Pamela Colestock – Mayor
William Steele – Mayor Pro Tem
Deb Malewski – Council Member
Rick Loftus – Council Member
Ken Nicholas – Council Member

Yvonne Ridge – City Manager
Larry Joe Weeks – Police Chief
Roger McNutt – Fire Chief
LeRoy Hummel – Building Official
Rob Pierce – Public Works/Utilities Director
Genny Allen – Treasurer/Finance Director
Robin Webb – City Clerk
Corey Cagle – Director of Parks,
Recreation & Events
Jake Forquer – Community and Economic
Development Specialist
Randy Jewel – City Assessor
Cullen Harkness – City Attorney

CITY OF EATON RAPIDS WORK SESSION AGENDA

April 27, 2026
5:00 pm
200 S. Main Street

This meeting will be streamed live for viewing only at:
<https://us06web.zoom.us/j/85394331944> Meeting ID: 853 9433 1944
Please note all public comments must be made in person.

Call to Order

Public Comments

Unfinished and Special Business

New Business

1. Eaton County Community Parks Grant Applications
2. Metro Act Right-of-Way Telecommunication Permit
3. North Industrial Park Street Improvements
4. Ordinance to adopt 2021 International Fire Code
5. 2670 & 2654 S Michigan Road Update

Public Comments

Board and Committee Reports

Adjourn



MEETING DATE: 04/27/2026

DIRECTOR OF PARKS, RECREATION & EVENTS

To: Mayor and City Council

Work Session

From: Corey Cagle, Director of Parks, Recreation & Events

Regular Meeting

Submitted: 04/24/2026

Subject: Eaton County Parks Community Grant 2026

SUMMARY

For the 2026 Eaton County Parks Community Grant, we intend to write for 3 projects. Attached are the resolutions needed for each.

2026-33: The purchase of a 17' Enclosed Trailer for the Outdoor Recreation Center. This trailer will result in safer, more efficient transportation of boats and gear. This trailer will also be used for Crandell Park Kayaking Events and other Parks & Recreation needs. The total project cost is \$12,314.86. \$5000 grant request, \$7,314.86 match funds. Internal buildout will be donated in-kind by Dave Ford.

2026-34: Funding to assist in the infrastructure needed to open the Eaton Rapids Community Center (Water/Sewer/Electricity/etc.). Total project cost is \$350,000, including grant funding of \$275,000, a \$25,000 financial match from the City of Eaton Rapids, and an in-kind match of \$50,000 for labor from the Department of Public Works.

2026-35: Funding to relandscape the Mylo L. Stewart Pocket Park. The current condition of landscaping has gone drastically downhill over the last few years. This project would be a complete overhaul of the current landscaping, with new plants and shrubs. Total project cost would be \$6,354.91 with a grant request of \$5,000, and a financial match of \$1,354.91.

STAFF RECOMMENDATION/MOTION

Motion to approve Resolution 2026-33.

Motion to approve Resolution 2025-34.

Motion to approve Resolution 2025-35.

LIST OF SUPPORTING DOCUMENTS

Resolutions 2026-33, 2026-34 & 2026-35

**METRO Act Permit
Bilateral Form
Revised 12/06/02**

**RIGHT-OF-WAY
TELECOMMUNICATIONS PERMIT**

TERMS AND CONDITIONS

1 Definitions

- 1.1 Company shall mean **Midwest Energy & Communications** organized under the laws of the State of Michigan whose address is **60590 Decatur Rd. Cassopolis, MI 49031**.
- 1.2 Effective Date shall mean the date set forth in Part 13.
- 1.3 Manager shall mean Municipality's City Manager.
- 1.4 METRO Act shall mean the Metropolitan Extension Telecommunications Rights-of-Way Oversight Act, Act No. 48 of the Public Acts of 2002, as amended.
- 1.5 Municipality shall mean **City of Eaton Rapids**, a Michigan municipal corporation.
- 1.6 Permit shall mean this document.
- 1.7 Public Right-of-Way shall mean the area on, below, or above a public roadway, highway, street, alley, easement, or waterway, to the extent Municipality has the ability to grant the rights set forth herein. Public right-of-way does not include a federal, state, or private right-of-way.
- 1.8 Telecommunication Facilities or Facilities shall mean the Company's equipment or personal property, such as copper and fiber cables, lines, wires, switches, conduits, pipes, and sheaths, which are used to or can generate, receive, transmit, carry, amplify, or provide telecommunication services or signals. Telecommunication Facilities or Facilities do not include antennas, supporting structures for antennas, equipment shelters or houses, and any ancillary equipment and miscellaneous hardware used to provide federally licensed commercial mobile service as defined in Section 332(d) of Part I of Title III of the Communications Act of 1934, Chapter 652, 48 Stat. 1064, 47 U.S.C. 332 and further defined as commercial mobile radio service in 47 CFR 20.3, and service provided by any wireless, 2-way communications device.

1.9 Term shall have the meaning set forth in Part 7.

2 Grant

2.1 Municipality hereby grants a permit under the METRO Act to Company for access to and ongoing use of the Public Right-of-Way to construct, install and maintain Telecommunication Facilities in those portions of the Public Right-of-Way identified on Exhibit A on the terms set forth herein.

2.1.1 Exhibit A may be modified by written request by Company and approval by Manager.

2.1.2 Manager shall not unreasonably condition or deny any request for a modification of Exhibit A. Any decision of Manager on a request for a modification may be appealed by Company to Municipality's legislative body.

2.2 Overlapping. Company shall not allow the wires or any other facilities of a third party to be overlapped to the Telecommunication Facilities without Municipality's prior written consent. Municipality's right to withhold written consent is subject to the authority of the Michigan Public Service Commission under Section 361 of the Michigan Telecommunications Act, MCL § 484.2361.

2.3 Nonexclusive. The rights granted by this Permit are nonexclusive. Municipality reserves the right to approve, at any time, additional permits for access to and ongoing usage of the Public Right-of-Way by telecommunications providers and to enter into agreements for use of the Public Right-of-Way with and grant franchises for use of the Public Right-of-Way to telecommunications providers, cable companies, utilities and other providers.

3 Contacts, Maps and Plans

3.1 Company Contacts. The names, addresses and the like for engineering and construction related information for Company and its Telecommunication Facilities are as follows:

3.1.1 The address, e-mail address, phone number and contact person (title or name) at Company's local office (in or near Municipality) is

Todd McCabe, Fiber Outside Plant Supervisor
todd.mccabe@teammidwest.com
269-445-1098
60590 Decatur Rd. Cassopolis, MI 49031

3.1.2 If Company's engineering drawings, as-built plans and related records for the Telecommunication Facilities will not be located at the preceding local office, the location address, phone number and contact person (title or department) for them is: N/A

3.1.3 The name, title, address, e-mail address and telephone numbers of Company's engineering contact person(s) with responsibility for the design, plans and construction of the Telecommunication Facilities is

Todd McCabe, Fiber Outside Plant Supervisor

todd.mccabe@teammidwest.com

269-445-1098

60590 Decatur Rd. Cassopolis, MI 49031

3.1.4 The address, phone number and contact person (title or department) at Company's home office/regional office with responsibility for engineering and construction related aspects of the Telecommunication Facilities is

Todd McCabe, Fiber Outside Plant Supervisor

todd.mccabe@teammidwest.com

269-445-1098

60590 Decatur Rd. Cassopolis, MI 49031

3.1.5 Company shall at all times provide Manager with the phone number at which a live representative of Company (not voice mail) can be reached 24 hours a day, seven (7) days a week, in the event of a public emergency.

800-492-5989

3.1.6 The preceding information is accurate as of the Effective Date. Company shall notify Municipality in writing as set forth in Part 12 of any changes in the preceding information.

3.2 Route Maps. Within ninety (90) days after the substantial completion of construction of new Facilities in a Municipality, a provider shall submit route maps showing the location of the Telecommunication Facilities to both the Michigan Public Service Commission and to the Municipality, as required under Section 6(7) of the METRO Act, MCLA 484.3106(7).

3.3 As-Built Records. Company, without expense to Municipality, shall, upon forty-eight (48) hours notice, give Municipality access to all "as-built" maps, records, plans and specifications showing the Telecommunication Facilities or portions thereof in the Public Right-of-Way. Upon request by Municipality, Company shall inform Municipality as soon as reasonably possible of any changes from

previously supplied maps, records, or plans and shall mark up maps provided by Municipality so as to show the location of the Telecommunication Facilities.

4 Use of Public Right-of-Way

- 4.1 No Burden on Public Right-of-Way. Company, its contractors, subcontractors, and the Telecommunication Facilities shall not unduly burden or interfere with the present or future use of any of the Public Right-of-Way. Company's aerial cables and wires shall be suspended so as to not endanger or injure persons or property in or about the Public Right-of-Way. If Municipality reasonably determines that any portion of the Telecommunication Facilities constitutes an undue burden or interference, due to changed circumstances, Company, at its sole expense, shall modify the Telecommunication Facilities or take such other actions as Municipality may determine is in the public interest to remove or alleviate the burden, and Company shall do so within a reasonable time period. Municipality shall attempt to require all occupants of a pole or conduit whose facilities are a burden to remove or alleviate the burden concurrently.
- 4.2 No Priority. This Permit does not establish any priority of use of the Public Right-of-Way by Company over any present or future permittees or parties having agreements with Municipality or franchises for such use. In the event of any dispute as to the priority of use of the Public Right-of-Way, the first priority shall be to the public generally, the second priority to Municipality, the third priority to the State of Michigan and its political subdivisions in the performance of their various functions, and thereafter as between other permit, agreement or franchise holders, as determined by Municipality in the exercise of its powers, including the police power and other powers reserved to and conferred on it by the State of Michigan.
- 4.3 Restoration of Property. Company, its contractors and subcontractors shall immediately (subject to seasonal work restrictions) restore, at Company's sole expense, in a manner approved by Municipality, any portion of the Public Right-of-Way that is in any way disturbed, damaged, or injured by the construction, installation, operation, maintenance or removal of the Telecommunication Facilities to a reasonably equivalent (or, at Company's option, better) condition as that which existed prior to the disturbance. In the event that Company, its contractors or subcontractors fail to make such repair within a reasonable time, Municipality may make the repair and Company shall pay the costs Municipality incurred for such repair.
- 4.4 Marking. Company shall mark the Telecommunication Facilities as follows: Aerial portions of the Telecommunication Facilities shall be marked with a marker on Company's lines on alternate poles which shall state Company's name and provide a toll-free number to call for assistance. Direct buried underground portions of the Telecommunication Facilities shall have (1) a conducting wire

placed in the ground at least several inches above Company's cable (if such cable is nonconductive); (2) at least several inches above that, a continuous colored tape with a statement to the effect that there is buried cable beneath; and (3) stakes or other appropriate above ground markers with Company's name and a toll-free number indicating that there is buried telephone cable below. Bored underground portions of the Telecommunication Facilities shall have a conducting wire at the same depth as the cable and shall not be required to provide the continuous colored tape. Portions of the Telecommunication Facilities located in conduit, including conduit of others used by Company, shall be marked at its entrance into and exit from each manhole and handhole with Company's name and a toll-free telephone number.

- 4.5 Tree Trimming. Company may trim trees upon and overhanging the Public Right-of-Way so as to prevent the branches of such trees from coming into contact with the Telecommunication Facilities, consistent with any standards adopted by Municipality. Company shall dispose of all trimmed materials. Company shall minimize the trimming of trees to that essential to maintain the integrity of the Telecommunication Facilities. Except in emergencies, all trimming of trees in the Public Right-of-Way shall have the advance approval of Manager.
- 4.6 Installation and Maintenance. The construction and installation of the Telecommunication Facilities shall be performed pursuant to plans approved by Municipality. The open cut of any Public Right-of-Way shall be coordinated with the Manager or his designee. Company shall install and maintain the Telecommunication Facilities in a reasonably safe condition. If the existing poles in the Public Right-of-Way are overburdened or unavailable for Company's use, or the facilities of all users of the poles are required to go underground then Company shall, at its expense, place such portion of its Telecommunication Facilities underground, unless Municipality approves an alternate location. Company may perform maintenance on the Telecommunication Facilities without prior approval of Municipality, provided that Company shall obtain any and all permits required by Municipality in the event that any maintenance will disturb or block vehicular traffic or are otherwise required by Municipality.
- 4.7 Pavement Cut Coordination. Company shall coordinate its construction and all other work in the Public Right-of-Way with Municipality's program for street construction and rebuilding (collectively "Street Construction") and its program for street repaving and resurfacing (except seal coating and patching) (collectively, "Street Resurfacing").
- 4.7.1 The goals of such coordination shall be to encourage Company to conduct all work in the Public Right-of-Way in conjunction with or immediately prior to any Street Construction or Street Resurfacing planned by Municipality.

- 4.8 Compliance with Laws. Company shall comply with all laws, statutes, ordinances, rules and regulations regarding the construction, installation, and maintenance of its Telecommunication Facilities, whether federal, state or local, now in force or which hereafter may be promulgated. Before any installation is commenced, Company shall secure all necessary permits, licenses and approvals from Municipality or other governmental entity as may be required by law, including, without limitation, all utility line permits and highway permits. Municipality shall not unreasonably delay or deny issuance of any such permits, licenses or approvals. Company shall comply in all respects with applicable codes and industry standards, including but not limited to the National Electrical Safety Code (latest edition adopted by Michigan Public Service Commission) and the National Electric Code (latest edition). Company shall comply with all zoning and land use ordinances and historic preservation ordinances as may exist or may hereafter be amended. This section does not constitute a waiver of Company's right to challenge laws, statutes, ordinances, rules or regulations now in force or established in the future.
- 4.9 Street Vacation. If Municipality vacates or consents to the vacation of Public Right-of-Way within its jurisdiction, and such vacation necessitates the removal and relocation of Company's Facilities in the vacated Public Right-of-Way, Company shall, as a condition of this Permit, consent to the vacation and remove its Facilities at its sole cost and expense when ordered to do so by Municipality or a court of competent jurisdiction. Company shall relocate its Facilities to such alternate route as Municipality and Company mutually agree, applying reasonable engineering standards.
- 4.10 Relocation. If Municipality requests Company to relocate, protect, support, disconnect, or remove its Facilities because of street or utility work, or other public projects, Company shall relocate, protect, support, disconnect, or remove its Facilities, at its sole cost and expense, including where necessary to such alternate route as Municipality and Company mutually agree, applying reasonable engineering standards. The work shall be completed within a reasonable time period.
- 4.11 Public Emergency. Municipality shall have the right to sever, disrupt, dig-up or otherwise destroy Facilities of Company if such action is necessary because of a public emergency. If reasonable to do so under the circumstances, Municipality shall attempt to provide notice to Company. Public emergency shall be any condition which poses an immediate threat to life, health, or property caused by any natural or man-made disaster, including, but not limited to, storms, floods, fire, accidents, explosions, water main breaks, hazardous material spills, etc. Company shall be responsible for repair at its sole cost and expense of any of its Facilities damaged pursuant to any such action taken by Municipality.

- 4.12 Miss Dig. If eligible to join, Company shall subscribe to and be a member of "MISS DIG," the association of utilities formed pursuant to Act 174 of the Public Acts of 2013, as amended, MCL § 460.721 et seq., and shall conduct its business in conformance with the statutory provisions and regulations promulgated thereunder.
- 4.13 Underground Relocation. If Company has its Facilities on poles of Consumers Energy, Detroit Edison or another electric or telecommunications provider and Consumers Energy, Detroit Edison or such other electric or telecommunications provider relocates its system underground, then Company shall relocate its Facilities underground in the same location at Company's sole cost and expense.
- 4.14 Identification. All personnel of Company and its contractors or subcontractors who have as part of their normal duties contact with the general public shall wear on their clothing a clearly visible identification card bearing Company's name, their name and photograph. Company shall account for all identification cards at all times. Every service vehicle of Company and its contractors or subcontractors shall be clearly identified as such to the public, such as by a magnetic sign with Company's name and telephone number.

5 Indemnification

- 5.1 Indemnity. Company shall defend, indemnify, protect, and hold harmless Municipality, its officers, agents, employees, elected and appointed officials, departments, boards, and commissions from any and all claims, losses, liabilities, causes of action, demands, judgments, decrees, proceedings, and expenses of any nature (collectively "claim" for this Part 5) (including, without limitation, attorneys' fees) arising out of or resulting from the acts or omissions of Company, its officers, agents, employees, contractors, successors, or assigns, but only to the extent such acts or omissions are related to the Company's use of or installation of facilities in the Public Right-of-Way and only to the extent of the fault or responsibility of Company, its officers, agents, employees, contractors, successors and assigns.
- 5.2 Notice, Cooperation. Municipality shall notify Company promptly in writing of any such claim and the method and means proposed by Municipality for defending or satisfying such claim. Municipality shall cooperate with Company in every reasonable way to facilitate the defense of any such claim. Municipality shall consult with Company respecting the defense and satisfaction of such claim, including the selection and direction of legal counsel.
- 5.3 Settlement. Municipality shall not settle any claim subject to indemnification under this Part 5 without the advance written consent of Company, which consent shall not be unreasonably withheld. Company shall have the right to defend or

settle, at its own expense, any claim against Municipality for which Company is responsible hereunder.

6 Insurance

- 6.1 Coverage Required. Prior to beginning any construction in or installation of the Telecommunication Facilities in the Public Right-of-Way, Company shall obtain insurance as set forth below and file certificates evidencing same with Municipality. Such insurance shall be maintained in full force and effect until the end of the Term. In the alternative, Company may satisfy this requirement through a program of self-insurance, acceptable to Municipality, by providing reasonable evidence of its financial resources to Municipality. Municipality's acceptance of such self-insurance shall not be unreasonably withheld.
- 6.1.1 Commercial general liability insurance, including Completed Operations Liability, Independent Contractors Liability, Contractual Liability coverage, railroad protective coverage and coverage for property damage from perils of explosion, collapse or damage to underground utilities, commonly known as XCU coverage, in an amount not less than Five Million Dollars (\$5,000,000).
- 6.1.2 Liability insurance for sudden and accidental environmental contamination with minimum limits of Five Hundred Thousand Dollars (\$500,000) and providing coverage for claims discovered within three (3) years after the term of the policy.
- 6.1.3 Automobile liability insurance in an amount not less than One Million Dollars (\$1,000,000).
- 6.1.4 Workers' compensation and employer's liability insurance with statutory limits, and any applicable Federal insurance of a similar nature.
- 6.1.5 The coverage amounts set forth above may be met by a combination of underlying (primary) and umbrella policies so long as in combination the limits equal or exceed those stated. If more than one insurance policy is purchased to provide the coverage amounts set forth above, then all policies providing coverage limits excess to the primary policy shall provide drop down coverage to the first dollar of coverage and other contractual obligations of the primary policy, should the primary policy carrier not be able to perform any of its contractual obligations or not be collectible for any of its coverages for any reason during the Term, or (when longer) for as long as coverage could have been available pursuant to the terms and conditions of the primary policy.

- 6.2 Additional Insured. Municipality shall be named as an additional insured on all policies (other than worker's compensation and employer's liability). All insurance policies shall provide that they shall not be canceled, modified or not renewed unless the insurance carrier provides thirty (30) days prior written notice to Municipality. Company shall annually provide Municipality with a certificate of insurance evidencing such coverage. All insurance policies (other than environmental contamination, workers' compensation and employer's liability insurance) shall be written on an occurrence basis and not on a claims made basis.
- 6.3 Qualified Insurers. All insurance shall be issued by insurance carriers licensed to do business by the State of Michigan or by surplus line carriers on the Michigan Insurance Commission approved list of companies qualified to do business in Michigan. All insurance and surplus line carriers shall be rated A+ or better by A.M. Best Company.
- 6.4 Deductibles. If the insurance policies required by this Part 6 are written with retainages or deductibles in excess of \$50,000, they shall be approved by Manager in advance in writing. Company shall indemnify and save harmless Municipality from and against the payment of any deductible and from the payment of any premium on any insurance policy required to be furnished hereunder.
- 6.5 Contractors. Company's contractors and subcontractors working in the Public Right-of-Way shall carry in full force and effect commercial general liability, environmental contamination liability, automobile liability and workers' compensation and employer liability insurance which complies with all terms of this Part 6. In the alternative, Company, at its expense, may provide such coverages for any or all its contractors or subcontractors (such as by adding them to Company's policies).
- 6.6 Insurance Primary. Company's insurance coverage shall be primary insurance with respect to Municipality, its officers, agents, employees, elected and appointed officials, departments, boards, and commissions (collectively "them"). Any insurance or self-insurance maintained by any of them shall be in excess of Company's insurance and shall not contribute to it (where "insurance or self-insurance maintained by any of them" includes any contract or agreement providing any type of indemnification or defense obligation provided to, or for the benefit of them, from any source, and includes any self-insurance program or policy, or self-insured retention or deductible by, for or on behalf of them).

7 Term

- 7.1 Term. The term ("Term") of this Permit shall be until the earlier of:
- 7.1.1 Fifteen (15) years from the Effective Date. Upon expiration of the Term, this Permit may be renewed only by the mutual written

agreement of both Municipality and Company, on terms and conditions agreed to by the parties at the time of renewal.

Any renewal shall be documented by a written amendment or renewal agreement executed by both parties prior to the expiration of the then-current Term. There shall be no automatic renewal of this Permit.

- 7.1.2 When the Telecommunication Facilities have not been used to provide telecommunications services for a period of one hundred and eighty (180) days by the Company or a successor of an assign of the Company; or
- 7.1.3 When Company, at its election and with or without cause, delivers written notice of termination to Municipality at least one-hundred and eighty (180) days prior to the date of such termination; or
- 7.1.4 Upon either Company or Municipality giving written notice to the other of the occurrence or existence of a default by the other party under Sections 4.8, 6, 8 or 9 of this Permit and such defaulting party failing to cure, or commence good faith efforts to cure, such default within sixty (60) days (or such shorter period of time provided elsewhere in this Permit) after delivery of such notice; or
- 7.1.5 Unless Manager grants a written extension, one year from the Effective Date if prior thereto Company has not started the construction and installation of the Telecommunication Facilities within the Public Right-of-Way and two years from the Effective Date if by such time construction and installation of the Telecommunication Facilities is not complete.

8 Performance Bond or Letter of Credit

- 8.1 Municipal Requirement. Municipality may require Company to post a bond (or letter of credit) as provided in Section 15(3) of the METRO Act, as amended [MCL § 484.3115(3)].

9 Fees

- 9.1 Establishment; Reservation. The METRO Act shall control the establishment of right-of-way fees. The parties reserve their respective rights regarding the nature and amount of any fees which may be charged by Municipality in connection with the Public Right-of-Way.

10 Removal

- 10.1 Removal; Underground. As soon as practicable after the Term, Company or its successors and assigns shall remove any underground cable or other portions of the Telecommunication Facilities from the Public Right-of-Way which has been

installed in such a manner that it can be removed without trenching or other opening of the Public Right-of-Way. Company shall not remove any underground cable or other portions of the Telecommunication Facilities which requires trenching or other opening of the Public Right-of-Way except with the prior written approval of Manager. All removals shall be at Company's sole cost and expense.

10.1.1 For purposes of this Part 10, "cable" means any wire, coaxial cable, fiber optic cable, feed wire or pull wire.

10.2 Removal; Above Ground. As soon as practicable after the Term, Company, or its successor or assigns at its sole cost and expense, shall, unless waived in writing by Manager, remove from the Public Right-of-Way all above ground elements of its Telecommunication Facilities, including but not limited to poles, pedestal mounted terminal boxes, and lines attached to or suspended from poles.

10.3 Schedule. The schedule and timing of removal shall be subject to approval by Manager. Unless extended by Manager, removal shall be completed not later than twelve (12) months following the Term. Portions of the Telecommunication Facilities in the Public Right-of-Way which are not removed within such time period shall be deemed abandoned and, at the option of Municipality exercised by written notice to Company as set forth in Part 12, title to the portions described in such notice shall vest in Municipality.

11 Assignment. Company may assign or transfer its rights under this Permit, or the persons or entities controlling Company may change, in whole or in part, voluntarily, involuntarily, or by operation of law, including by merger or consolidation, change in the ownership or control of Company's business, or by other means, subject to the following:

11.1 No such transfer or assignment or change in the control of Company shall be effective under this Permit, without Municipality's prior approval (not to be unreasonably withheld), during the time period from the Effective Date until the completion of the construction of the Telecommunication Facilities in those portions of the Public Right-of-Way identified on Exhibit A.

11.2 After the completion of such construction, Company must provide notice to Municipality of such transfer, assignment or change in control no later than thirty (30) days after such occurrence; provided, however,

11.2.1 Any transferee or assignee of this Permit shall be qualified to perform under its terms and conditions and comply with applicable law; shall be subject to the obligations of this Permit, including responsibility for any defaults which occurred prior to the transfer or assignment; shall supply Municipality with the information required under Section 3.1; and shall comply with any updated insurance and performance bond requirements

under Sections 6 and 8 respectively, which Municipality reasonably deems necessary, and

11.2.2 In the event of a change in control, it shall not be to an entity lacking the qualifications to assure Company's ability to perform under the terms and conditions of this Permit and comply with applicable law; and Company shall comply with any updated insurance and performance bond requirements under Sections 6 and 8 respectively, which Municipality reasonably deems necessary.

11.3 Company may grant a security interest in this Permit, its rights thereunder or the Telecommunication Facilities at any time without notifying Municipality.

12 Notices

12.1 Notices. All notices under this Permit shall be given as follows:

12.1.1 If to Municipality, to **200 S Main St. Eaton Rapids, MI 48827**.

12.1.2 If to Company, to **60590 Decatur Rd. Cassopolis, MI 49031 Attn: Paige Baker**, with a copy to **paige.baker@teammidwest.com**.

12.2 Change of Address. Company and Municipality may change its address or personnel for the receipt of notices at any time by giving notice thereof to the other as set forth above.

13 Other items

13.1 No Cable, OVS. This Permit does not authorize Company to provide commercial cable type services to the public, such as "cable service" or the services of an "open video system operator" (as such terms are defined in the Federal Communications Act of 1934 and implementing regulations, currently 47 U.S.C. §§ 522 (6), 573 and 47 CFR § 76.1500).

13.2 Duties. Company shall faithfully perform all duties required by this Permit.

13.3 Effective Date. This Permit shall become effective when issued by Municipality and Company has provided any insurance certificates and bonds required in Parts 6 and 8, and signed the acceptance of the Permit.

13.4 Authority. This Permit satisfies the requirement for a permit under Section 5 of the METRO Act [MCL 484.3105].

13.5 Amendment. Except as set forth in Section 2.1 this Permit may be amended by the written agreement of Municipality and Company.

13.6 Interpretation and Severability. The provisions of this Permit shall be liberally construed to protect and preserve the peace, health, safety and welfare of the public, and should any provision or section of this Permit be held unconstitutional, invalid, overbroad or otherwise unenforceable, such determination/holding shall not be construed as affecting the validity of any of the remaining conditions of this Permit. If any provision in this Permit is found to be partially overbroad, unenforceable, or invalid, Company and Municipality may nevertheless enforce such provision to the extent permitted under applicable law.

13.7 Governing Law. This Permit shall be governed by the laws of the State of Michigan.

CITY OF EATON RAPIDS

Attest:

By: _____

Clerk

By: _____

Its: _____

Date: _____

“Company accepts the Permit granted by Municipality upon the terms and conditions contained therein.”

Midwest Energy & Communications

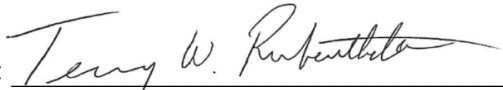
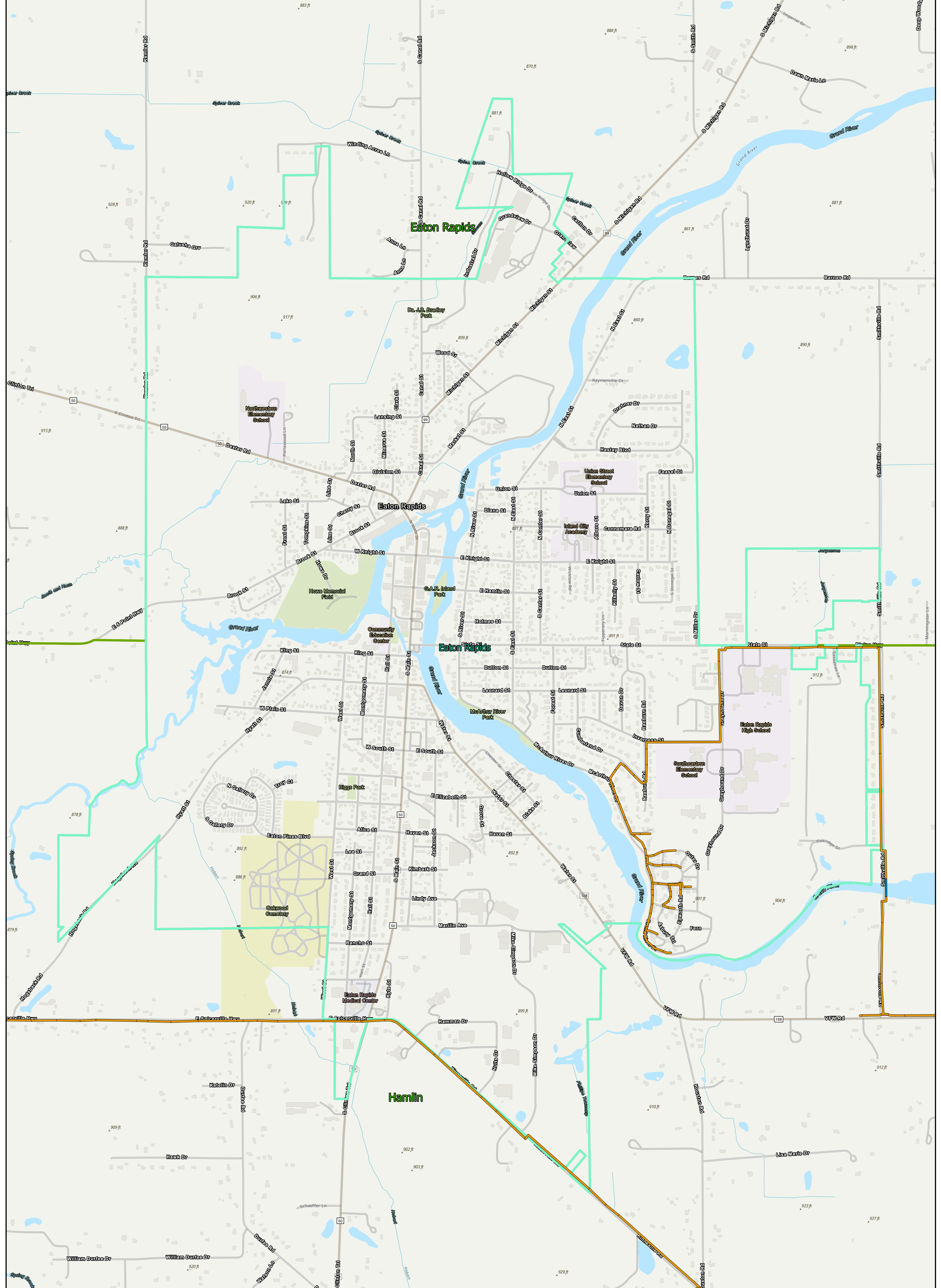
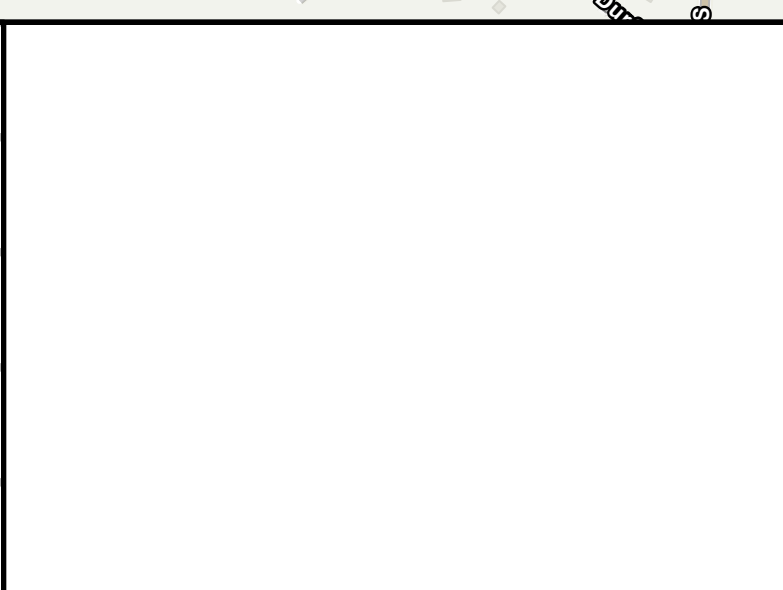
By: 
Its: Chief Operating Officer
Date: November 14, 2024

Exhibit A

Public Right-of-Way to be Used by Telecommunication Facilities



| | | | | |
|---------|---------|---------|---------|---------|
| 174-180 | 175-180 | 176-180 | 177-180 | 178-180 |
| 174-179 | 175-179 | 176-179 | 177-179 | 178-179 |
| 174-178 | 175-178 | 176-178 | 177-178 | 178-178 |
| 174-177 | 175-177 | 176-177 | 177-177 | 178-177 |
| 174-176 | 175-176 | 176-176 | 177-176 | 178-176 |



- Legend**
- Cables (METRO)
 - OH
 - UG
 - Metro Townships
 - Township
 - Metro Villages
 - Village
 - Metro Cities
 - City

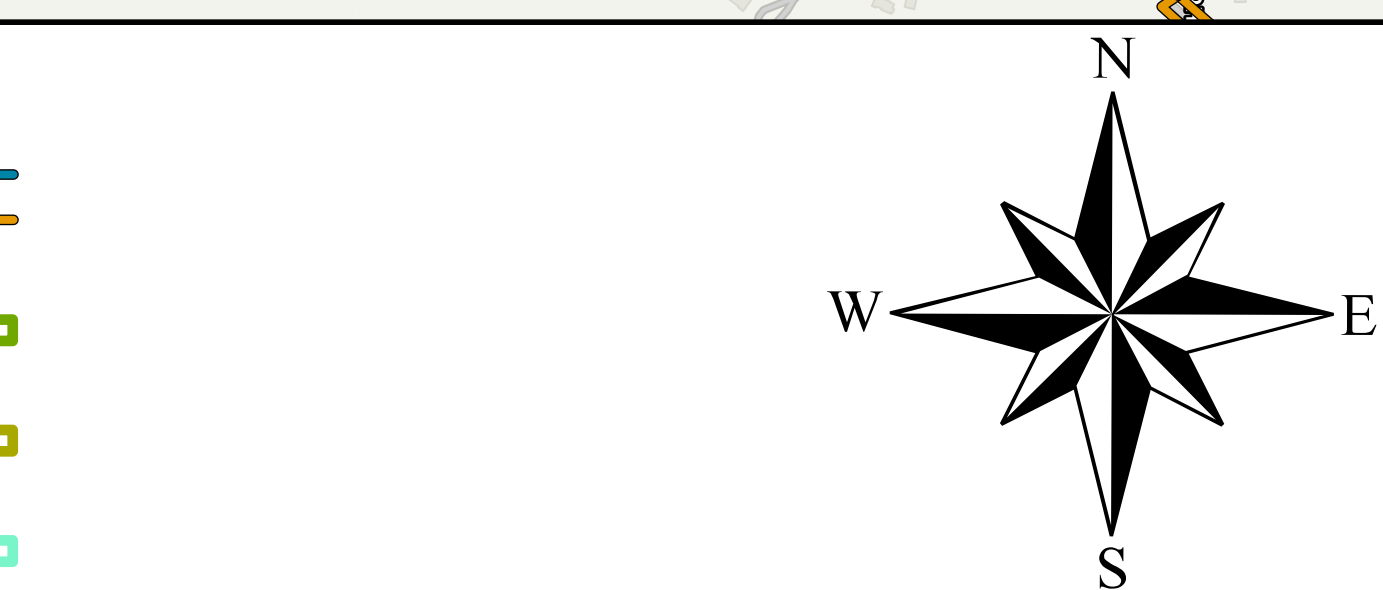


Exhibit B
Certificate of Insurance

CERTIFICATE OF INSURANCE

4/23/2026

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

THIS IS TO CERTIFY THAT: **Midwest Energy Cooperative**
60590 Decatur Road
Cassopolis, MI 49031



FEDERATED RURAL ELECTRIC
INSURANCE EXCHANGE

NAIC: 11118
 P.O. Box 15147, Lenexa, KS 66285-5147
 (913) 541-0150 fax (913) 541-9004
 www.federatedrural.com

IS, AT THE ISSUE DATE OF THIS CERTIFICATE, INSURED BY THE COMPANY UNDER THE POLICY(IES) LISTED BELOW. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

| TYPE OF INSURANCE | POLICY NUMBER | POLICY DATES | LIMITS (\$) | |
|--|---------------|----------------------------|--|--------------|
| GENERAL LIABILITY COMMERCIAL GENERAL LIABILITY OCCURRENCE-BASIS COMPREHENSIVE FORM PREMISES / OPERATIONS UND / EXPLOSION & COLLAPSE PRODUCTS / COMP OPS CONTRACTUAL BROAD-FORM PROPERTY DAMAGE NO GENERAL AGGREGATE | 21 ARB 036-26 | 1/1/2026 to 1/1/2027 | EACH OCCURRENCE | \$2,000,000 |
| | | | DAMAGE TO RENTED PREMISES | \$2,000,000 |
| | | | MED EXP (PER PERSON) | \$1,000 |
| | | | PERSONAL & ADV INJURY | \$2,000,000 |
| | | | GENERAL AGGREGATE LIMIT | UNLIMITED |
| AUTOMOBILE ANY AUTO HIRED & NON-OWNED AUTO GARAGE LIABILITY (ANY AUTO) | 21 ARB 036-26 | 1/1/2026 to 1/1/2027 | COMBINED SINGLE LIMIT (EACH ACCIDENT) | \$2,000,000 |
| | | | COMP DEDUCTIBLE | \$500 |
| | | | COLLISION DEDUCTIBLE | \$1,000 |
| WORKERS COMPENSATION AND EMPLOYERS LIABILITY | 21 WC 036-26 | 1/1/2026 to 1/1/2027 | WC LIMITS | STATUTORY |
| | | | E.L. EACH ACCIDENT | \$500,000 |
| | | | E.L. DISEASE EACH EMPLOYEE | \$500,000 |
| | | | E.L. DISEASE - POLICY LIMIT | \$500,000 |
| ALL-RISK BLANKET PROPERTY | 21 ARB 036-26 | 1/1/2026 to 1/1/2027 | PROPERTY LIMIT | \$72,225,882 |
| | | | PROPERTY DEDUCTIBLE | \$1,000 |

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES / EQUIPMENT / EXCLUSIONS ADDED BY ENDORSEMENT / SPECIAL PROVISIONS

It is agreed that where required by mortgage, lease, or other legal agreement, the interests of mortgagees, lessors, and loss payees are insured as their interests may appear as additional insured's and/or loss payees. Blanket Additional Insured and Waiver of Subrogation are included under General Liability and Automobile Liability insurance if required by written contract or agreement. Policy provisions include a 60-day cancellation notice.

CERTIFICATE HOLDER:

CITY OF EATON RAPIDS
200 S. MAIN ST.
EATON RAPIDS, MI 48827

CANCELLATION:

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE:

Jennifer L. Heagy Willey

Blanket Additional Insured & Waiver of Subrogation Endorsement

21 ARB 036-26

Midwest Energy Cooperative

Section II, General Liability and Automobile Liability Insurance, Item F. Persons Insured, is amended to include any person or organization for whom the policyholder is performing operations when the policyholder and the person or organization have agreed in writing in a contract or agreement that such person or organization be added as an additional insured or insureds to this policy. Such person or organization is an additional insured only with respect to liability caused, in whole or in part, by the policyholder's acts or omissions, or by the acts or omissions of others acting on the policyholder's behalf, provided:

1. The insurance afforded to such additional insured or insureds only applies to the extent permitted by law; and
2. If such coverage is required by written contract or agreement, the insurance afforded will not be broader than that required by the contract or agreement to be provided to the additional insured or insureds; and
3. If such coverage is required by written contract or agreement, the insurance afforded shall not exceed the limit of insurance required by the contract or agreement, or the applicable Limit of Liability stated in the Declarations, whichever is less.
4. If required by written contract or agreement, the Company waives any rights of recovery against the additional insureds shown above because of payments made under Section II, General Liability. Such waiver applies only to the extent that the policyholder has waived its rights of recovery against such person(s) or organization(s) prior to loss.
5. The following amends General Condition H. Other Insurance, and supersedes any provision to the contrary:
This insurance is primary to and will not seek contribution from any other insurance available to an additional insured under this policy provided that:
 - (1) The additional insured is a Named Insured under such other insurance; and
 - (2) It is required by written contract or agreement that this insurance would be primary and would not seek contribution from any other insurance available to the additional insured.

With respect to the insurance afforded to these additional insureds, no coverage shall apply to Personal Injury or Property Damage arising out of or caused directly or indirectly by providing or failing to provide any professional service. This exclusion shall not apply to the rendering of emergency first aid or incidental medical service.
A professional service can mean, but is not limited to Personal Injury or Property Damage arising out of the rendering of, or the failure to render, any architectural, engineering or surveying services, including:

- a. The preparing, approving, or failing to prepare or approve, maps, shop drawings, opinions, reports, surveys, field orders, change orders or drawings and specifications; or
- b. Supervisory, inspection, architectural or engineering activities.

This endorsement shall not, in any event, increase the Limit of Liability stated in the Declarations.

All other policy provisions apply.

ORDINANCE NO. 026-04

AN ORDINANCE TO AMEND SECTION 9-10 OF ARTICLE I OF CHAPTER 9, ADOPTION OF THE 2021 INTERNATIONAL FIRE CODE, OF THE CODIFIED ORDINANCES OF CITY OF EATON RAPIDS, EATON COUNTY, MICHIGAN.

THE CITY OF EATON RAPIDS ORDAINS:

Section 1. Section 9-10 of the Codified Ordinances of the City of Eaton Rapids, is hereby amended as follows:

Sec. 9-10. – Adoption of the 2021 International Fire Code

- a. A certain document, three (3) copies of which are on file in the office of the city clerk for the City of Eaton Rapids, being marked and designated as the International Fire Code (IFC), 2021 edition, as published by the International Code Council, is hereby adopted by reference as the fire code for the City of Eaton Rapids, Michigan, for the purpose of regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said fire code are hereby referred to, adopted, and made a part hereof, as if fully set out in this legislation, with the additions, insertions, deletions and changes, if any, prescribed in subsections (b) and (c) of this section.

- b. The following sections of the IFC are modified as follows:

101.1. Insert: the City of Eaton Rapids.

112.4. Insert: misdemeanor, five hundred (\$500.00) dollars, ninety (90) days.

- c. The geographic limits referred to in certain sections of the 2021 International Fire Code are hereby established as follows:

Section 5704.2.9.6.1 (geographic limits in which the storage of Class I and Class II liquids in above-ground tanks outside of buildings is prohibited): City of Eaton Rapids allows this type of storage only in property zoned as General Industrial District.

Section 5706.2.4.4 (geographic limits in which the storage of Class I and Class II liquids in above-ground tanks is prohibited): City of Eaton Rapids allows this type of storage only in property zoned as General Industrial District.

Section 5806.2 (geographic limits in which the storage of flammable cryogenic fluids in above-ground tanks is prohibited): City of Eaton Rapids allows this type of storage only in property zoned as General Industrial District.

Section 6104.2 (geographic limits in which the storage of liquefied petroleum gas is restricted for the protection of heavily populated or congested areas, the aggregate capacity of any one installation shall not exceed a water capacity of 2,000 gallons (7570 L): City of Eaton Rapids allows this type of storage only in property zoned as General Industrial District.

Exception: In particular installations, this capacity limit shall be determined by the fire code official, after consideration of special features such as topographical conditions, nature of occupancy, and proximity to buildings, capacity of proposed LP-gas containers, degree of fire protection to be provided and capabilities of the local fire department.

Section 2. Severability. This ordinance and each article, section, subsection, paragraph, subparagraph, part, provision, sentence, word and portion thereof are hereby declared to be severable, and if they or any of them are declared to be invalid or unenforceable for any reason by a court of competent jurisdiction, it is hereby provided that the remainder of this ordinance shall not be affected thereby.

Section 3. Repeal, Effective Date, Adoption.

- (1) Repeal. All regulatory provisions contained in other City ordinances which conflict with the provisions of this ordinance are hereby repealed.
- (2) Effective Date. This ordinance shall become effective on _____, twenty (20) days following its adoption, and shall be published prior to its effective date as mandated by charter and statute.
- (3) Adoption. This ordinance was adopted by the City Council of the City of Eaton Rapids at a meeting thereof held on _____, 2026.

Pamela Colestock, Mayor
City of Eaton Rapids

CERTIFICATE

I HEREBY CERTIFY THAT THE FOREGOING ORDINANCE WAS ADOPTED BY THE CITY COUNCIL OF THE CITY OF EATON RAPIDS AT A MEETING THEREOF ON _____, 2026.

Robin Webb, Clerk
City of Eaton Rapids



MEETING DATE: 4/27/2026

CITY MANAGER

To: Mayor and City Council

Work Session

From: Yvonne Ridge, City Manager

Regular Meeting

Submitted: 4/23/2026

Subject: Work Session – Averi and Caleb Brinson

SUMMARY

I received requests from Averi and Caleb Brinson on March 9 and March 24 to include items on an upcoming work session agenda. Below is a summary of the requested items and the my response:

Brinson Request:

1. The history of the properties of 2670 S. Michigan Road (parcel numbers #300-027-400-130-01 and #300-27-400-001-05)
2. The State Level 425 Act that allowed the conditional transfer to take place.
3. The dreams and goals for the new Flower Garden location and the opportunities for the community of Eaton Rapids.
 - a. Review the concept plan and the reasons why Limited Agricultural Zoning best fits our type of business.

City Manager Response:

1. Item 1 & 2 – 2670 S Michigan Road
This will be added to the April 27, 2026, Work Session Agenda for Council discussion under agenda item “2670 S Michigan Road”. The Work Session meeting begins at 5:00 p.m.
2. Item 3 – Vision, Goals, Opportunities for Flower Garden:
You can speak to this under any of the Public Comment opportunities.
3. Item 4 – Concept Plan/Zoning Designation:
This item should be requested as a discussion item to the Planning Commission. The contact person is LeRoy Hummel, Building/Zoning Official and he can be contacted at lhummel@cityofeatonrapids.gov

STAFF RECOMMENDATION/MOTION

Council Discussion with LeRoy Hummel, Building/Zoning Official

LIST OF SUPPORTING DOCUMENTS

N/A

Meeting with Averi Brinson October 9, 2025

Present: Averi Brinson, City Manager Ridge, Jake Forquer, LeRoy Hummel

Discussion on 2670 Michigan and 2654 Michigan (vacant land)

Mrs. Brinson advised us that her and her husband Caleb own the Flower Garden and would like to purchase 2654 and 2670 Michigan to move their business to this location as they do not own all the land where their current location is and purchasing these properties would allow them to expand their business. They stated they are seeking funding through the SBA. They would like to have a soft opening August of 2026 and a Major opening in spring of 2027.

During the discussion I informed Mrs. Brinson of the city's ordinances that would affect their development and how to proceed with the process. I supplied Mrs. Brinson with copies of the ordinances that would apply to their proposed development and the Guide to Development. The following are the ordinances we discussed, Parking, Future Land Use, Lot line adjustment, Rezoning, Site Plan requirements, Conditional Uses and Zoning.

I have included the emails I have had with the Brinson's and there were also phone calls that are not noted.

They were approved for a Conditional Use for 2654 S. Michigan for growing plants.

Thank you,

Averi Brinson

(517)899-0249

On Thu, Oct 9, 2025 at 5:59 AM LeRoy Hummel <lhummel@cityofeatonrapids.gov> wrote:

Good morning, Caleb and Averi,

The planning commission looked at the proposal you submitted and stated they would consider your proposal. If we can meet this week so we can discuss the process to proceed with your development. I need a request for rezoning by Monday to have it considered at the November meeting. I look forward to meeting with you.

Best,



LeRoy Hummel
Building/Zoning Official
City of Eaton Rapids
200 S. Main St.
Eaton Rapids, MI 48827
Direct: 517-237-3799
City Hall: 517-663-8118
lhummel@cityofeatonrapids.gov
www.cityofeatonrapids.gov

Start
From: Averi Brinson <averibrinson@erflowergarden.com>
Sent: Monday, October 6, 2025 12:45 PM
To: LeRoy Hummel <lhummel@cityofeatonrapids.gov>
Cc: Caleb Brinson <cbrinson@erflowergarden.com>
Subject: The Flower Garden - Site Plan

Hi Leroy,

see page 3

Attached is the site plan for the potential new location for The Flower Garden at 2670 S Michigan Road.

Please let us know if you have any questions!

Thank you,

Caleb & Averi Brinson

The Flower Garden

(517)648-3480 & (517)899-0249



X

Measure distance
Click on the map to add to your path
Total area: 2,346,179.28 ft² (217,967.19 m²)
Total distance: 1.32 mi (2.12 km)

LeRoy Hummel

From: Averi Brinson <averibrinson@erflowergarden.com>
Sent: Thursday, October 9, 2025 10:30 AM
To: LeRoy Hummel
Subject: Re: The Flower Garden - Site Plan

Sounds good, look forward to meeting you as well

On Thu, Oct 9, 2025 at 10:24 AM LeRoy Hummel <lhummel@cityofeatonrapids.gov> wrote:

I am available at 3:15, I look forward to meeting with you.



LeRoy Hummel
Building/Zoning Official
City of Eaton Rapids
200 S. Main St.
Eaton Rapids, MI 48827
Direct: 517-237-3799
City Hall: 517-663-8118
lhummel@cityofeatonrapids.gov
www.cityofeatonrapids.gov

From: Averi Brinson <averibrinson@erflowergarden.com>
Sent: Thursday, October 9, 2025 9:13 AM
To: LeRoy Hummel <lhummel@cityofeatonrapids.gov>
Subject: Re: The Flower Garden - Site Plan

Hi LeRoy,

We are so grateful for their consideration! Are you available around 3:15 today? Or is there another time today/tomorrow that works better for you?

Let me know and we can make it happen.

LeRoy Hummel

From: Caleb Brinson <cbrinson@erflowergarden.com>
Sent: Friday, October 10, 2025 2:55 PM
To: LeRoy Hummel
Subject: Rezoning the Faith First Property

Follow Up Flag: Follow up
Flag Status: Flagged

LeRoy,

Have you had a chance to look over the potential rezoning of the entire property from Commercial to RD1 since Nurseries and Greenhouses are a conditional use in RD1?

Thanks,

LeRoy Hummel

From: Averi Brinson <averibrinson@erflowergarden.com>
Sent: Monday, October 13, 2025 3:06 PM
To: LeRoy Hummel
Cc: Caleb Brinson
Subject: Zoning Request
Attachments: Zoning Change Plan - 2670 S Michigan Rd.png; Land Division Adjustment Application - 2670 S Michigan Rd 13oct2025_0001.pdf; Variance Appeal - 2670 S Michigan Rd.pdf; Variance Request Supplement - 2670 S Michigan Rd.pdf; Zoning Request 2670 S Michigan Rd.pdf

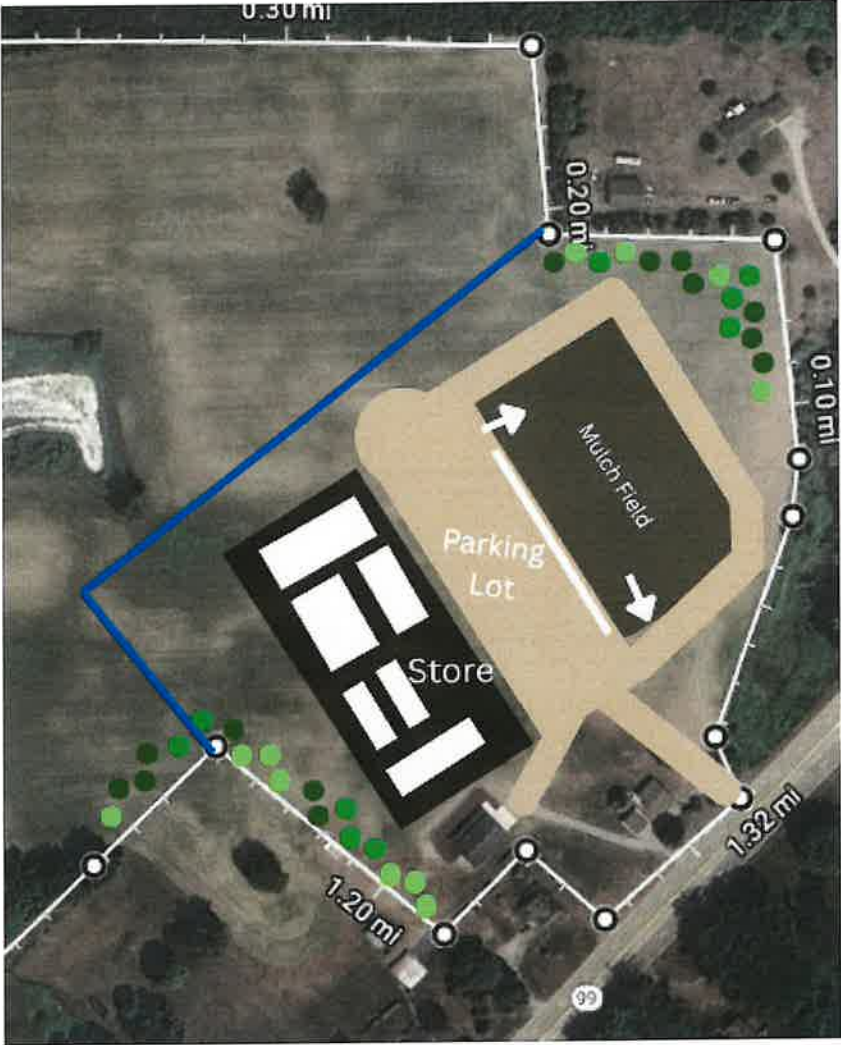
Hi LeRoy,

Attached are multiple documents for our zoning request. We have included a letter stating the nature of the request, a site plan with the proposed lot line, the land division/lot line adjustment application, the request for variance, and a supplemental description of the variance request. Please let me know if you have any questions on the documents included.

Per our conversation over the phone today, we will stop first thing tomorrow morning with a check to cover the application fees for all of the above.

Thank you for all your help on this!

Averi Brinson



October 12th, 2025

City Hall
Attn: Eaton Rapids Planning Commission
200 S Main St
Eaton Rapids, MI 48827

Dear Eaton Rapids Planning Commission Members,

My name is Caleb Brinson. My wife and I are pursuing the purchase of a 60 acre parcel of land within the city limits at 2670 S Michigan Rd. We are the proud owners of The Flower Garden, a garden center that has been part of the Eaton Rapids community for almost 40 years. Upon purchasing the land, we intend to develop the site and move our store onto the property. We have included a conceptual site plan for the new store for your review.

We are reaching out to request a Master Plan/Future Use change on the property by reducing the low-density residential area and expanding the General Business zoning from 3.5 acres to approximately 12 acres. The potential boundary is indicated by the blue line on the plan. A formal survey will be completed once general plans are approved.

In addition to the Master Plan/Future Use change, we are also appealing to request a variance for the parking lot at the new location. According to the City Ordinance, it is required for retail stores to have a paved parking lot within the city limits. We are unable to meet this expectation and would appreciate the opportunity to explain the reasons for this request at the next Planning Commission meeting.

We sincerely appreciate your consideration of these matters and hope to meet with you at the November 3rd meeting.

Please let us know if there is any additional information we can provide in the meantime.

Thank you,

Caleb Brinson

(517)648-3480

cbrinson@erflowergarden.com



PLANNING COMMISSION LAND DIVISION/LOT LINE ADJUSTMENT APPLICATION

| | |
|---|--|
| Land Division Application Fee: 300.00 | <i>Application Dated:</i> 10/12/2025 |
| Lot Line Adjustment Application Fee: 150.00 | |
| <i>Applicant/Owner Name (please print):</i> Caleb Brinson | |
| <i>Applicant/Owner Name (please print):</i> Averi Brinson | (517)899-0249 |
| <i>Applicant/Owners Email Address:</i> cbrinson@er-flower-garden.com | <i>Applicant/Owners Phone Number:</i> (517)6483480 |
| <i>Subject of Lot Split. App Street Address(es):</i> 2670 S Michigan Rd Eaton Rapids | <i>Applicant/Owner's Street Address:</i> 501 Carlisle St <i>Applicant/Owner's Street Address:</i> Eaton Rapids MI |
| | <i>Parcel No(s):</i> 300-027-400-001-05 300-027-400-130-01 |
| <ol style="list-style-type: none"> 1. Attach a copy of the legal description for all affected parcels (contact the City Assessor for needed information) 2. Attach a survey showing the dimensions and layout of the proposed split or splits and the new lot dimensions of any building(s) on any of the affected parcels; show all setbacks of all buildings from all lot lines, also show any streets on the same survey. If there is a proposed private road, the dimensions and descriptions of the easement must be submitted, in compliance with private road standards described in Section 21.50 of the City of Eaton Rapids Zoning Ordinance. | |
| <p>3. <i>Reason for the Lot Split:</i></p> <p style="text-align: center; font-size: 1.2em;">To increase the commercial area on the property for our garden center greenhouses, parking lot and mulch field.</p> | |
| <p>4. Have all parties involved in or affected by the Land division/lot line adjustment sign below and by signing, give consent to the proposed lot split or splits that have been described above.</p> | |
| <i>Applicant/Owners Signature(s):</i> | <i>Dated:</i> |
| | 10/12/2025 |
| | 10/12/2025 |
| FOR USE BY CITY OF EATON RAPIDS EMPLOYEES ONLY | |
| <i>Date Received:</i> | <i>Paid:</i> |

The Building Official will review this application and forward it to the Planning Commission for their action at a regularly scheduled meeting. These meetings are planned for the first Monday in every month at 7:00 pm at the Eaton Rapids City Hall.



ZONING BOARD OF APPEALS APPLICATION OF APPEAL

| | | | |
|---|--|---|--|
| Application Fee: \$300.00 | | <i>Application Dated: 10/13/25</i> | |
| <i>Applicant/Owner Name (please print):</i> Caleb Brinson | | <i>Applicant/Owners Phone Number: (517) 648-3480</i> | |
| <i>Applicants Email Address: cbrinson@erflowergarden.com</i> | | <i>Applicant/Owner's Street Address:</i> 501 Carlisle St Eaton Rapids MI 48827 | |
| <i>Subject Property of Appeal Street Address:</i> 2670 S. Michigan Rd | | <i>Parcel No.: # 300-027-400-130-01 &</i> <i># 300-027-400-001-05</i> | |
| 1. Description of Property as it is at Present: | | | |
| <i>A. Current Zoning of Subject Property of Appeal: Commercial & Residential</i> | | | |
| <i>B. Size of Lot: 3.54 & 54.35</i> | | <i>C. Area (Sq. Ft.) Of Lot:</i> | |
| <i>D. Type of Lot (check box):</i> | | <i>Interior</i> | |
| <input type="checkbox"/> Corner | | <input type="checkbox"/> Waterfront | |
| <i>Number of buildings now on property: 3</i> | | <i>Percentage of lot coverage on ground level:</i> | |
| <i>Type/Size/Use of Each Building: House, Garage, Pole barn</i> | | | |
| 2. Description of proposed variance: <i>Not requiring a paved parking lot</i> | | | |
| <i>A. Dimensions:</i> | | <i>Height:</i> | |
| <i>Width:</i> | | <i>Length:</i> | |
| <i>B. Yard Setback after completion of proposed structure/addition (If applicable):</i> | | <i>Front:</i> | |
| | | <i>Side:</i> | |
| | | <i>Rear:</i> | |
| <i>C. Estimated date of start:</i> | | <i>D. Estimated date of completion:</i> | |
| 3. Explanation of Appeal (use back of this sheet if space below is not adequate): | | | |
| <i>Explanation on separate page included.</i> | | | |
| A. Explain all special considerations, unique hardship(s), any limiting factors pertinent to your appeal: | | | |
| <i>Explanation on separate page included.</i> | | | |
| 4. I HEREBY DEPOSE THAT ALL OF THE INFORMATION PROVIDED IN THIS APPLICATION AND ANY ATTACHMENT SUBMITTED HERewith ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. | | | |
| <i>Applicant/Owners Signature: </i> | | <i>Dated: 10/13/25</i> | |
| FOR USE BY CITY OF EATON RAPIDS EMPLOYEES ONLY | | | |
| <i>Date Received:</i> | | <i>Date Paid:</i> | |

Case Number _____

For more information about the Appeals process, see Secs. 16-45 and 25-65 of the City Code of Ordinances.

FOR USE BY BUILDING OFFICIAL:

1. Application Number:
2. Article(s) and section number(s) of zoning ordinance that are being appealed:

3. Explanation of Appeal:

We are submitting a variance request for *Surface and Curbing* requirements found in Sec. 21.20. – Off-Street Parking, Space Layout, Standards, Construction and Maintenance.

The Requirements State the following: The entire parking area, including parking spaces and maneuvering lanes, required under this Ordinance shall be provided with a dust free surfacing of concrete and/or plant mixed bituminous material according to the requirements of this Ordinance and the city's Code of Ordinances. Necessary curbs or other protection for the public and for the protection of adjoining properties, streets, and sidewalks shall be provided and maintained. Where deemed necessary, the planning commission may require that parking areas be curbed with concrete curbs and gutters. The parking area shall be surfaced within six (6) months of the date of occupancy.

3.A. Explain all special considerations, unique hardships, any limiting factors pertinent to your appeal:

The heavy cost burden of paving — including grading, drainage installation, and ongoing maintenance — is disproportionately high for a small, land-intensive agricultural business like a nursery and greenhouse, especially when compared to the minimal benefit it offers to its operational model. Plant nurseries often utilize gravel or permeable surfaces, which are environmentally appropriate and more suitable for their drainage needs. In addition, dust proofing concrete for a business that sells soils and mulches everyday will eventually end up covered in more cases than not.

In addition to this unique hardship, this parcel has unique circumstances because this property is self-contained and does not impact adjacent city assets. There is no public sidewalk, curb, gutter, or neighboring development that would be affected by a non-paved parking surface. As such, the requirement creates an unnecessary financial and logistical burden without serving a clear public or inter-property benefit.

This isolation makes the situation materially different from most properties within the city limits, where paved surfaces serve to connect and protect shared infrastructure. Imposing the same standard here constitutes a unique hardship, as it does not align with the property's actual impact on public infrastructure or surrounding development.

Enforcing a paved parking requirement fails to account for the distinct nature of nursery operations and imposes a hardship not typically experienced by other businesses. This makes the condition "unique" in both practical and financial terms, potentially threatening the sustainability of the business long term. For these reasons, we believe a waiver or variance from the paving requirement is appropriate and justified based on the property's unique physical circumstances and the minimal interaction with city-maintained assets. With the opportunity to present our request to the Eaton Rapids Planning Commission, we are prepared to offer examples of other businesses in the surrounding areas that do not have paved parking lots due to the nature of the agrotourism, nursery and garden center industries.



*Pamela Colestock – Mayor
William Steele – Mayor Pro Tem
Deb Malewski – Council Member
Rick Loftus – Council Member
Ken Nicholas – Council Member*

*Yvonne Ridge – City Manager
Larry Joe Weeks – Police Chief
Roger McNutt – Fire Chief
LeRoy Hummel – Building Official
Rob Pierce – Public Works/Utilities Director
Genny Allen – Treasurer/Finance Director
Robin Webb – City Clerk
Corey Cagle – Director of Parks,
Recreation & Events
Jake Forquer – Community & Economic
Development Specialist
Randy Jewell – City Assessor
Cullen Harkness – City Attorney*

NOTICE OF PUBLIC HEARING CITY OF EATON RAPIDS PLANNING COMMISSION

Notice is hereby given that the Eaton Rapids Planning Commission will hold a hearing at the regularly scheduled meeting on November 3, 2025, at 7:00 PM at the Eaton Rapids City Hall, 200 S. Main St., Eaton Rapids, MI.

Said consideration will be for the rezoning of the following property:

300-027-400-001-05 commonly known as vacant land (8.46 acres) on South Michigan Road, adjacent to 2670 S. Michigan Road.

Future Land Use (Master Plan) Change from Low Density Residential to General Business District.

Article II – District Descriptions and Amendment Procedures, Sections 2.40 and 2.50. Rezone from RD-1 Low Density Single Family Residential to GBD General Business District.

Owners of property within 300 feet of the above-referenced parcel have been mailed a notice of this meeting. Interested parties will be given the opportunity to be heard at the public hearing.

Questions concerning this matter may be directed to the Building Official, LeRoy Hummel, 200 S. Main St., Eaton Rapids, MI. 48827. The office phone number is 517-237-3799.

Robin Webb
City Clerk

LeRoy Hummel

From: Averibrinson <averibrinson@erflowergarden.com>
Sent: Thursday, October 16, 2025 8:22 AM
To: LeRoy Hummel
Subject: Re: The Flower Garden - Site Plan

Follow Up Flag: Follow up
Flag Status: Flagged

Hi LeRoy,

I sincerely apologize for the delay in our payment for the applications we submitted earlier this week.

With the Federal Government shutdown we have to pursue a few different routes than the SBA for funding. This significantly slows down our timeline for development and we have much more time to determine our plan for the new The Flower Garden location. We have decided to withdraw our request for the Zoning Board and Eaton Rapids Planning Commission at this time. We are continuing work on our site plan and will submit a new request once we have a clear plan in place.

Thank you so much for all of your help and guidance on this project so far!

Best Regards,

Averi Brinson

On Thu, Oct 9, 2025 at 10:30 AM Averibrinson <averibrinson@erflowergarden.com> wrote:
Sounds good, look forward to meeting you as well

On Thu, Oct 9, 2025 at 10:24 AM LeRoy Hummel <lhummel@cityofeatonrapids.gov> wrote:

I am available at 3:15, I look forward to meeting with you.



LeRoy Hummel
Building/Zoning Official
City of Eaton Rapids
200 S. Main St.
Eaton Rapids, MI 48827
Direct: 517-237-3799
City Hall: 517-663-8118
lhummel@cityofeatonrapids.gov
www.cityofeatonrapids.gov

LeRoy Hummel

From: Averı Brınson <averıbrınson@erflowergarden.com>
Sent: Wednesday, December 17, 2025 3:23 PM
To: LeRoy Hummel
Subject: Next Zoning Board Meeting

Follow Up Flag: Follow up
Flag Status: Completed

Hi LeRoy,

Just out of curiosity, when would we need to submit a request to be on the agenda for the next zoning board meeting?

Thank you,

Averi Brinson

LeRoy Hummel

From: Averi Brinson <averibrinson@erflowergarden.com>
Sent: Monday, December 29, 2025 12:08 PM
To: LeRoy Hummel
Subject: Re: New Flower Garden Location

Hi LeRoy,

I appreciate the ability to meet in person with you. I'm seeking a written assessment of how our business will be categorized within the city's current zoning. Is this something that can be provided?

Thank you,

Averi

On Mon, Dec 29, 2025 at 5:57 AM LeRoy Hummel <lhummel@cityofeatonrapids.gov> wrote:

Good morning, Averi,

I would be more than happy to meet with you again; I have time today and tomorrow. The assessor Randy Jewell would be the person to contact for the taxes, 517.541.1555, randy@taxassessing.com.

Best regards,



LeRoy Hummel
Building/Zoning Official
City of Eaton Rapids
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Eaton Rapids, MI 48827
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lhummel@cityofeatonrapids.gov
www.cityofeatonrapids.gov

From: Averi Brinson <averibrinson@erflowergarden.com>
Sent: Friday, December 26, 2025 1:48 PM
To: LeRoy Hummel <lhummel@cityofeatonrapids.gov>
Subject: New Flower Garden Location

Hi LeRoy,

We are moving along with some plans for the new Flower Garden location in town. I'm wondering if you could help us get a more clear view of how our business will be considered with the city's current zoning and ordinances. We have been asking around for some help on this process and we were told that it is possible for the city to provide a written assessment of how the property will be defined within the city's zoning for our particular type of business.

We are also hoping to get an estimate of what the annual real estate taxes will be.

Is this something that you can help us with? If you can, I would appreciate the opportunity to meet again to discuss our future plans and the needs of our business in more detail. We have had some time to define them over the past couple months.

Thank you,

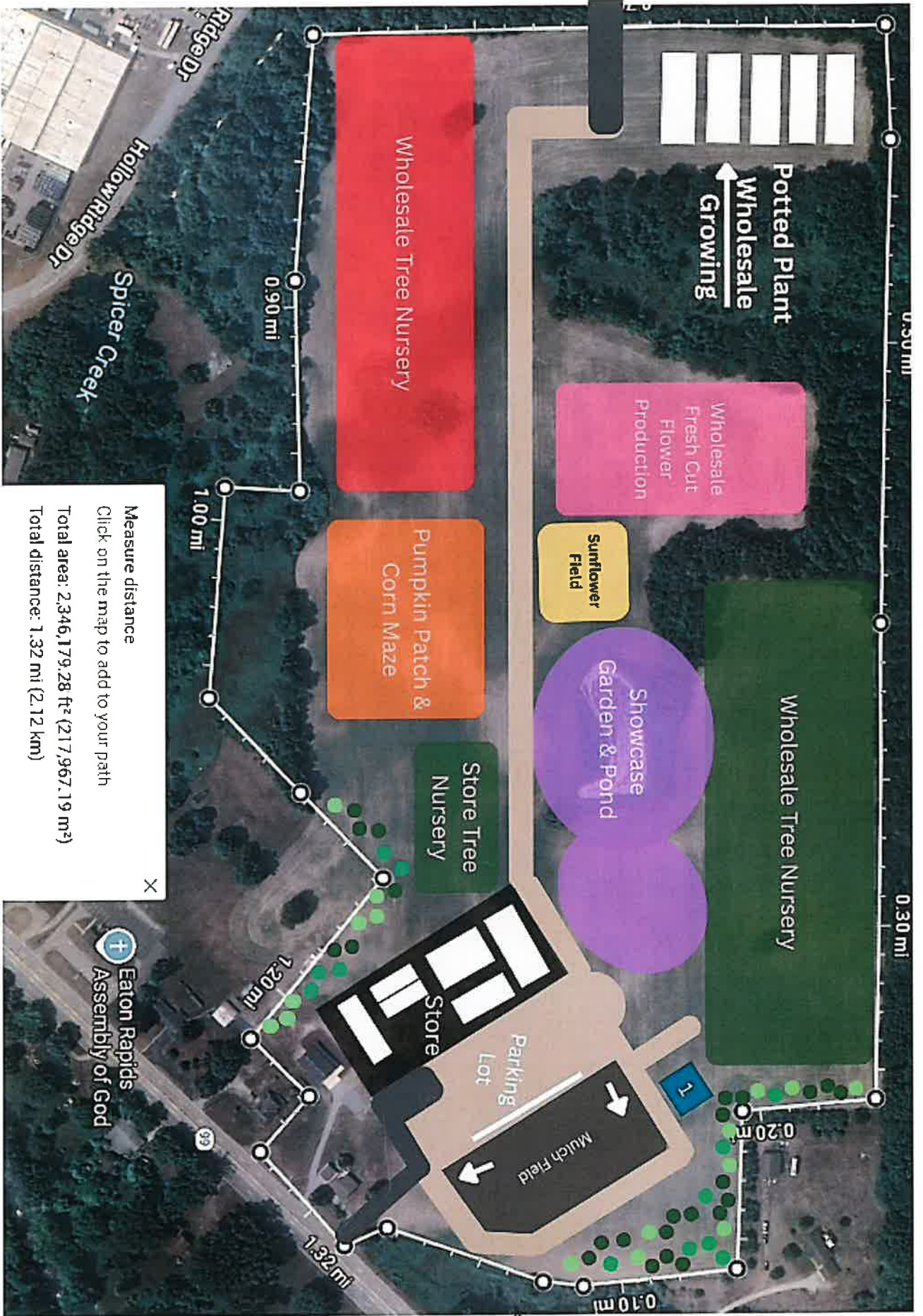
Averi Brinson



X

Measure distance
Click on the map to add to your path

Total area: 2,346,179.28 ft² (217,967.19 m²)
Total distance: 1.32 mi (2.12 km)



Measure distance
 Click on the map to add to your path
 Total area: 2,346,179.28 ft² (217,967.19 m²)
 Total distance: 1.32 mi (2.12 km)

Approx.
 12
 Acres

Yvonne, I have included you on this message per your request during our conversation at our meeting last Tuesday. Caleb and I appreciate your time and the opportunity to continue to learn more about the zoning requirements for our plans at 2670 S Michigan Rd.

Phase One - The Flower Garden Store Relocation

Phase one includes moving The Flower Garden store to the new location at 2670 S Michigan Rd. Right now, we just need a detailed summary of how the store will be categorized in the zoning based on the site plan provided including the number of parking spaces.

Phase Two - The Flower Garden 10 Year Plan

Phase two is our dream and goal for the 10-year mark of operating at the new location. Again, right now we just need a detailed summary of how the entire location would be considered in the zoning including the amount of parking spots. The plan includes:

- The store (the current barn on site) which will be open to the public year round.
- The store greenhouses, parking lot, mulch field and store nursery will be open to the public seasonally
- The pumpkin patch, showcase gardens and sunflower field will also be open to the public seasonally.
- The wholesale tree, shrub and perennial nurseries will not be open to the public.
- The wholesale fresh cut flower farm also will not be open to the public.

Please don't hesitate to let me know if there is any additional information that would be helpful to complete this process. We appreciate your help in advance and look forward to hearing from you!

Warm Regards,

Averi Brinson

(517)899-0249

On Mon, Dec 29, 2025 at 2:11 PM LeRoy Hummel <lhummel@cityofeatonrapids.gov> wrote:

Averi,

I should be able to provide that after I see your revised plans.

Best,



LeRoy Hummel
Building/Zoning Official
City of Eaton Rapids
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lhummel@cityofeatonrapids.gov
www.cityofeatonrapids.gov

From: Averı Brınson <averibrinson@erflowergarden.com>
Sent: Monday, December 29, 2025 12:08 PM
To: LeRoy Hummel <lhummel@cityofeatonrapids.gov>
Subject: Re: New Flower Garden Location

Hi LeRoy,

I appreciate the ability to meet in person with you. I'm seeking a written assessment of how our business will be categorized within the city's current zoning. Is this something that can be provided?

Thank you,

Averi

On Mon, Dec 29, 2025 at 5:57 AM LeRoy Hummel <lhummel@cityofeatonrapids.gov> wrote:

Good morning, Averi,

I would be more than happy to meet with you again; I have time today and tomorrow. The assessor Randy Jewell would be the person to contact for the taxes, 517.541.1555, randy@taxassessing.com.

Best regards,

LeRoy Hummel

From: Averri Brinson <averibrinson@erflowergarden.com>
Sent: Thursday, February 12, 2026 3:15 PM
To: LeRoy Hummel; Yvonne Ridge; Caleb Brinson
Subject: Re: New Flower Garden Location

Follow Up Flag: Follow up
Flag Status: Flagged

Hi LeRoy and Yvonne,

Thank you for providing this information.

How many parking spots would be required for the store based on the zoning requirements? We are having a hard time determining the number because the business is classified in four different categories (greenhouse, plant nursery, garden center, and open air business).

Thank you,

Averi Brinson
(517)899-0249

On Fri, Jan 30, 2026 at 4:59 PM LeRoy Hummel <lhummel@cityofeatonrapids.gov> wrote:

Good afternoon, Averi,

I apologize for not responding sooner when I told you I had not looked at my calendar, which was a full day of meetings and inspections.

The currently zoned General Business (GBD), (3.54 acres) which includes the house, garage and barn can be used for the uses listed in the ordinance with the required development plan and conditional uses if needed. The house with garage used as a residence is a non-conforming use (the former owner was aware of this when the property was rezoned at their request). The barn never had formal site plan approval for an assembly use, final building inspection for the assembly use, or Health Department approval for water and sewer. We advised the owner that the barn could not be used for the assembly use and advised them of the requirements to use the property for assembly use. The previous owner did not submit for site plan approval.

The proposed uses you have provided for the proposed front 12-acre parcel to be zoned General Business will require conditional uses for the commercial greenhouse, plant nursery, garden center, and the open-air business of the landscaping materials (mulch, soil, stone). You will also need to submit a required site plan, along with the conditional use application. A lot line adjustment request will be needed along with a survey showing the new parcels, also a rezoning request for the additional 8.56 acres (total 12 acres).

The Low-Density Single-Family (RD-1) zoning does allow for a plant nursery and green houses as a conditional use, does not include garden center. As we discussed on the phone on 1.27.26 you would want to grow trees and potted plants on the RD-1. Additional uses of the property (long term goals) will be addressed when you are ready to proceed with those uses.

Here is a summary of the next steps to obtain your long-term plan.

Submit conditional use application for the vacant Low Density Single Family Residential (RD-1) parcel (300.027.400.001.05) for the growing of plants (submitted).

Submit a lot line adjustment application and survey to create the proposed 12-acre parcel.

Submit a letter to the city for the rezone of the balance of the proposed 12-acre parcel (approximately 8.56 acres) from Low Density Single Family Residential RD-1 to General Business (GBD).

Submit a Conditional Use application for the commercial green house, plant nursery, garden center, and open-air business in the General Business zoning (proposed 12-acre parcel).

To convert the existing barn to a commercial use will require an application and required plans for site plan approval by the planning commission, Health Department approval for the water and septic system, building plans for review if there are walls to be added, removed or changed in the interior, once the review is done permits may be issued, if no changes are proposed then a final inspection for the use of the barn needs to be completed to check for code compliance.

Caleb brought in the Conditional Use Application yesterday for the vacant RD-1 property and the Planning Commission will consider this item at the March 2, 2026, meeting.

Please contact me with any additional concerns or questions.

Have a great day,

LeRoy Hummel
Building/Zoning Official
City of Eaton Rapids
200 S. Main St.
Eaton Rapids, MI 48827
Direct: 517-237-3799
City Hall: 517-663-8118
lhummel@cityofeatonrapids.gov
www.cityofeatonrapids.gov

From: Averil Brinson <averibrinson@erflowergarden.com>
Sent: Tuesday, January 27, 2026, 4:42 PM
To: LeRoy Hummel <lhummel@cityofeatonrapids.gov>; Yvonne Ridge <YRidge@cityofeatonrapids.gov>; Caleb Brinson <cbrinson@erflowergarden.com>
Subject: Re: New Flower Garden Location

Hi LeRoy and Yvonne,

I apologize I hit send too early on my previous email. In summary of our call this afternoon, we discussed the following items:

1. The zoning report being sent tomorrow for the full plan will include the same zoning requirements as previously discussed verbally. There will be about 12 acres of property zoned general business, and the rest is RD1 with conditional use permits for the nursery and garden center.
2. When asked about the possibility of keeping the RD1 zoning, LeRoy confirmed the zoning does allow nurseries, however, it is poorly written and The Flower Garden would not be considered a 'small' nursery by the city even though, by industry standards, we are a very small nursery. LeRoy confirmed the zoning is not clearly defined for RD1 and poorly written.
3. I confirmed the concept plans are long term.
4. In the meantime, I confirmed with LeRoy our plan to start with a nursery on the RD1 zoned land. We can do this with a special use permit based on the zoning for RD1. LeRoy confirmed this was different from our original plan, but it is something we can do based on the zoning.
5. I asked when the next zoning board meeting was so we could get on the agenda. LeRoy confirmed we can get on the agenda in March.

6. We will be stopping in by the end of the week to drop off our conditional use permit (and necessary payment) to start a nursery in RD1 and get on the agenda for the next zoning board meeting.

Thank you again for your time today and for all the time spent on this. I look forward to hearing from you tomorrow with our full zoning report for our long-term goals.

Best Regards,

Averi Brinson

On Tue, Jan 27, 2026 at 4:31 PM Averi Brinson <averibrinson@erflowergarden.com> wrote:

Hi LeRoy,

Summarizing our second call today:

On Tue, Jan 27, 2026 at 3:32 PM Averi Brinson <averibrinson@erflowergarden.com> wrote:

Hi LeRoy,

Thank you for taking my call today. I look forward to hearing from you tomorrow regarding our zoning requirements.

Best Regards,

Averi Brinson

On Mon, Jan 26, 2026 at 9:36 AM Averi Brinson <averibrinson@erflowergarden.com> wrote:

Hi LeRoy & Yvonne,

I apologize, I did not realize I did not 'reply all' on my previous message.

Just wanting to check in on this our zoning report. Is there an estimated time frame of when this will be ready? We are excited to get a site plan going 😊

Please let me know if there is any information you need from us.

Thank you!

Averi Brinson

On Thu, Jan 15, 2026 at 9:12 AM Averi Brinson <averibrinson@erflowergarden.com> wrote:

Hi LeRoy,

Thank you, for now if we could get the zoning/ordinance for The Flower Garden in a written format that would be helpful. We can review, refer back, organize our questions and then set up a time in the future to meet and discuss further.

We are in the midst of moving to a new home, getting our current house ready to sell, and getting The Flower Garden ready for spring so time is limited right now.

Thank you in advance for your work on this!

Best regards,

Averi Brinson

On Wed, Jan 14, 2026 at 4:16 PM LeRoy Hummel <lhummel@cityofeatonrapids.gov> wrote:

Good afternoon, Averi,

I will review your proposal and set a time we can discuss the proposal.

Best regards,



LeRoy Hummel
Building/Zoning Official
City of Eaton Rapids
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Eaton Rapids, MI 48827
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City Hall: 517-663-8118
lhummel@cityofeatonrapids.gov
www.cityofeatonrapids.gov

From: Averi Brinson <averibrinson@erflowergarden.com>

Sent: Tuesday, January 13, 2026 8:53 AM

To: LeRoy Hummel <lhummel@cityofeatonrapids.gov>; Yvonne Ridge <YRidge@cityofeatonrapids.gov>

Subject: Re: New Flower Garden Location

Hi LeRoy and Yvonne,



Planning Commission

March 2, 2026

7:00 p.m. City Hall

1. Call Meeting to Order
2. Roll Call
3. Approval of Agenda
4. Approval of February 2, 2026, Regular meeting minutes
5. Public Hearing –
 - a. Michigan Road vacant land - Conditional use
 - b. Commercial Marihuana Facilities ordinances
 - c. Short Term Rental ordinances
6. Old Business – none
7. New Business – none
8. Public comments
9. Correspondence – none
10. Reports
 - a. Building Official
 - b. ZBA
 - c. Planning Commissioners
11. Adjournment

City of Eaton Rapids

Planning Commission

Meeting Minutes, March 2, 2026

- 1. **Call to Order:** Chair Vanek called the meeting to order at 7:00 pm.
- 2. **Roll Call:**

| NAME | PRESENT | ABSENT | NAME | PRESENT | ABSENT |
|------------------|---------|--------|----------------|---------|--------|
| Chair Vanek | X | | Com Hiltz | | X Ex |
| Vice Chair Baker | X | | Com Wicker | X | |
| Secretary Tanner | X | | Com Davis | X | |
| Com Wegner | X | | Com Millington | X | |
| Com Jobse | X | | | | |

Commissioner Hiltz was absent and excused. Also present were Building Official Hummel and Financial Specialist Leigh Tyler.

- 3. **Approval of the Agenda:**

Secretary Tanner moved to approve the agenda and Commissioner Wegner seconded. Motion carried to approve the agenda as presented.

- 4. **Approval of the February 2, 2026 Planning Commission Meeting minutes:**

Commissioner Wegner moved to approve the February 2, 2026, Minutes and Secretary Tanner seconded. Motion carried to approve the minutes as presented.

5A. Public Hearing: Michigan Road Vacant Property - The Public Hearing was opened at 7:03 p.m. Building Official Hummel - Michigan Road - Vacant Property (54.34 Acres). Caleb Brinson has applied for a conditional use for a Plant Nursery and Greenhouse use in a Low-Density Single Family Residential District (RD-1), Article V, Section 5.30 Conditional Use (G). Mr. Brinson would like to grow plants on the property to supply his business (The Flower Garden). Mr. Brinson will give the commission more details on their plans. At this time, Mr. Brinson did not request approval for any buildings, just plants. The commission will have to follow Article XXIII – Conditional Use Requirements when considering this request. The Conditional Use section 23.30 addresses requirements for commercial green houses, plant nurseries and garden centers exceeding 1,000 square feet. It does not address requirements for plant nurseries and greenhouses in a RD-1 zoning. Caleb Brinson came to the podium. He stated that his wife (Avery Brinson) owns the property. He stated that this property will be its own entity and not part of The Flower Garden and it will only be used for agricultural use and it will not be open to the public. Commissioner Wicker asked if it will be like Cottage Gardens and Mr. Brinson replied that Cottage Gardens is no longer open. Mr. Brinson stated that there will be no utilities at this property. They will start with approximately ½ acre for their gardens. Mike Kelly – 2641 South Michigan Road came to the podium.

He lives directly across the street from Mr. Brinson's proposed growing area. He was under the impression that it was going to be a real estate development. He now knows that is not the case so he is in full approval of Mr. Brinson's proposal. The Public Hearing was closed at 7:15 p.m. Building Official Hummel stated that there are no limitations on square footage in an RD-1 zone. Commissioner Jobse moved that the commission recommend to City Council to approve a Conditional Use Permit (Parcel 300-027-400-001-05) for the purpose of growing plants. Commissioner Davis seconded the motion and all the commissioners voted Aye.

5B. Public Hearing - Commercial Medical Marijuana Facility Ordinance – The Public Hearing was opened at 7:26 p.m. Building Official Hummel - The Commission will be recommending to the City Council to either rescind or to keep it in place. Article XXIII, Sections 23.50 and 23.60. There has been no interest in the Overlay District Property for a commercial Medical Marijuana Facility since the ordinance was adopted. There was very little discussion on this matter. Secretary Baker moved that it be recommended to the City Council that the overlay be removed, as there has been no interest, and that Sections 23.50 and 23.60 of Article 23 be removed and that the industrial property be returned to Industrial Zoning. Commissioner Wicker seconded the motion. All Commissioners voted Aye. The Public Hearing was closed at 7:28 p.m.

5C. Short Term Rental (STR) Ordinance – The Public Hearing was opened at 7:32 p.m. – Building Official Hummel – The Commission will be considering what zoning districts to allow short term rentals to be located in and if they should be allowed as a Principal Permitted Use or a Conditional Use. Zoning Districts include Traditional Residential; Low Density Single Family Residential; Single Family and Two Family Residential, Multiple Family Residential and The Central Business District. The Short-Term Rental ordinance itself would not be in the zoning ordinance but would be in Chapter 12 Housing Section with the Rental Inspection Ordinance. This would be a recommendation to City Council. Chairman Vanek ask the Commission to vote with a show of hands who would approve Short Term Rentals as Conditional Use for all of the districts. All the Commissioners raised their hands. There was no public comment. The Public Hearing was closed at 7:48 p.m. Commissioner Millington moved that the Planning Commission recommend to City Council that Short Term Rentals be approved for conditional use for all of our districts. Secretary Baker seconded the motion. All commissioners voted Aye.

6. Old Business – None

7. New Business – None

8. Public Comments – None

9. Correspondence – None

10. Reports:

Building Official Hummel – We have received a grant to replace water lines all over the city. This process will take one to two years and it starts the week of March 9, 2026. We are installing a sewer line from the High School to the west side of Smithville. Taco Bell has all of their permits and the new store should be a 110 -day project. Our Legislature wants to prohibit local ordinances from requiring a minimum lot size of greater than 1500 square feet building area for new properties. Mayor Pam Colestock stated that this to help the current housing shortage in Michigan.

ZBA – No Report

Commissioner Millington moved that we adjourn the meeting and Secretary Baker seconded the motion. All Commissioners voted Aye. The meeting was adjourned at 8:10 p.m.

Minutes Recorded by:

Leigh Tyler / Financial Specialist

City of Eaton Rapids

LeRoy Hummel

From: Caleb Brinson <cbrinson@erflowergarden.com>
Sent: Wednesday, March 11, 2026 9:16 PM
To: LeRoy Hummel
Subject: Re: FW: Attached Image

Thank you LeRoy.

Have a great night as well.

Caleb Thomas Brinson

Owner & Operator

C: (517)648-3480



2906 S. Michigan Rd
Eaton Rapids, MI 48827

On Wed, Mar 11, 2026 at 21:15 LeRoy Hummel <lhummel@cityofeatonrapids.gov> wrote:

Yes sir, the address did not get moved from the old parcel number to the new parcel number when the front property was split off. If you do additional splits the county will assign new parcel numbers.

Have a great night,



LeRoy Hummel

Building/Zoning Official

City of Eaton Rapids

200 S. Main St.

Eaton Rapids, MI 48827

Direct: 517-237-3799

City Hall: 517-663-8118

lhummel@cityofeatonrapids.gov

www.cityofeatonrapids.gov

From: Caleb Brinson <cbrinson@erflowergarden.com>
Sent: Wednesday, March 11, 2026 9:09 PM
To: LeRoy Hummel <lhummel@cityofeatonrapids.gov>
Subject: Re: FW: Attached Image

Ok, thanks. That makes sense. Does this mean the conditional use applies to this address?

On Wed, Mar 11, 2026 at 21:06 LeRoy Hummel <lhummel@cityofeatonrapids.gov> wrote:

That is the address that was assigned when Faithfirst Foundation was submitting their proposed projects. This gives an address for first responders in case they are needed at the property.



LeRoy Hummel
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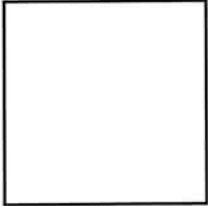
From: Caleb Brinson <cbrinson@erflowergarden.com>
Sent: Wednesday, March 11, 2026 9:04 PM
To: LeRoy Hummel <lhummel@cityofeatonrapids.gov>
Cc: averibrinson@erflowergarden.com
Subject: Re: FW: Attached Image

What was the purpose for this?

Caleb Thomas Brinson

Owner & Operator

C: (517)648-3480



[2906 S. Michigan Rd](#)

[Eaton Rapids, MI 48827](#)

On Wed, Mar 11, 2026 at 20:59 LeRoy Hummel <lhummel@cityofeatonrapids.gov> wrote:

Good evening,

The vacant parcel (300.027.400.001.05) has been assigned an address of [2654 South Michigan Road](#).

Best regards,

LeRoy Hummel

From: No Reply <noreply@cityofeatonrapids.gov>
Sent: Wednesday, March 11, 2026 6:31 PM
To: LeRoy Hummel <lhummel@cityofeatonrapids.gov>
Subject: Attached Image