

SUMMARY REPORT TO MANAGER
for City Council Meeting of February 26, 2007

**SUBJECT: REQUEST FROM MIDLAND STADIUM CONCESSIONS, LLC FOR A
NEW 12 MONTHS RESORT ECONOMIC DEVELOPMENT CLASS C
LICENSE WITH DANCE-ENTERTAINMENT PERMIT TO BE LOCATED
AT 825 E. MAIN STREET**

RESOLUTION SUMMARY: This resolution recommends approval of the request from Midland Stadium Concessions, LLC for a new 12 months resort economic development Class C license with dance-entertainment permit to be located at 825 E. Main Street.

ITEMS ATTACHED:

1. Letter of transmittal
2. Application with attachments
3. Resolution

COUNCIL ACTION:

1. 3/5 vote required to approve resolution

Jack Duso
Assistant City Manager
February 21, 2007



City Hall • 333 West Ellsworth Street • Midland, Michigan 48640-5132 • 989.837.3300 • 989.835.2717 Fax • www.midland-mi.org

February 21, 2007

Honorable Mayor and City Council
City of Midland
Midland, MI 48640

Dear Councilmen:

Attached please find a request from Midland Stadium Concessions, LLC for a new 12 months resort economic development Class C license with dance-entertainment permit to be located at 825 E. Main Street. After investigation and review by City staff members and the Midland County Health Department, approval of the request is recommended.

Also attached for your consideration is a resolution provided by the State Liquor Control Commission. If you have any questions, please contact me.

Sincerely,

Jack Duso
Assistant City Manager

JED:kr

Attachments

WILLIAM C. COLLINS
R. DRUMMOND BLACK
RAMON F. ROLF, JR.
PETER A. POZNAK
W. JAY BROWN
WILLIAM R. GARCHOW
R. PAUL LARSEN
KRISTINA S. PENNEX
JOHANNA L. JOZWIAK

OF COUNSEL:

ROBERT H. MEISEL
A. T. LIPPERT, JR.

CURRIE KENDALL ^{PLC}

ATTORNEYS AT LAW

6024 EASTMAN AVENUE
MIDLAND, MICHIGAN 48640-2518
989 839-0300
FAX 989 832-0077

*SERVING CLIENTS
WITH DEDICATION
SINCE 1905*

WWW.CURRIEKENDALL.COM

February 9, 2007

GILBERT A. CURRIE
1882 - 1960

GILBERT A. CURRIE
1923 - 1998

PETER J. KENDALL
1961 - 1999

E E E

EMERITUS:
JAMES A. KENDALL

Jack Duso
Assistant City Manager
City of Midland
333 East Ellsworth
Midland MI 48640
Hand Delivered

Re: Midland Stadium Concessions, LLC
Application for Resort Economic Development Class C Liquor License

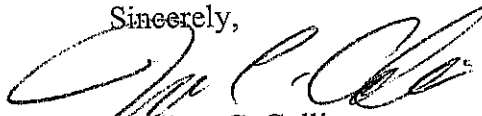
Dear Jack:

I am working with Midland Stadium Concessions, LLC and the Michigan Baseball Foundation, Inc. on the liquor license application for the baseball stadium. In connection with the City of Midland's requirements, enclosed are the following:

1. Liquor License Application
2. Supplemental Information
3. Authorization To Release Information
4. Information responsive to Ordinance Sec. 15-224
5. Character reference letter of Michael D. Hayes
6. Character reference letter of Robert S. Rathbun
7. Character reference letter of William C. Collins
8. Check for the filing fee in the amount of \$250

If you need anything further, please let me know.

Sincerely,



William C. Collins

cc: Mike Hayes
Paul Barbeau

**APPLICATION OF MIDLAND STADIUM CONCESSIONS, LLC
FOR RESORT ECONOMIC DEVELOPMENT CLASS C LIQUOR LICENSE**

February 9, 2007

The following information is provided to meet the requirements of Midland Ordinance Sec. 15-224.

- (1) A minimum of three written letters of character reference.

Letters from Michael D. Hayes, Robert S. Rathbun and William C. Collins are attached.

- (2) A written statement showing history of business activity, if any.

The Dow Diamond minor league baseball stadium is under construction, with opening day scheduled for April 13, 2007. The Great Lakes Loons will play in the stadium, and are a Class A minor league franchise affiliated with the Los Angeles Dodgers.

- (3) Show, by way of drawings and/or written documentation, where and how the proposed establishment will operate.

The stadium is located at the east end of Main Street; the address is 825 East Main Street. The stadium has been toured and inspected by various City officials as construction has progressed.

- (4) Show that the establishment will conform to the current standards of existing building ordinances, and other municipal laws and regulations, and that all new applicants conform to the current zoning ordinance.

All required building permits have been issued for the stadium construction, and the stadium complies with all City ordinances.

- (5) Satisfactory evidence of having established or being prepared to establish the implementation of procedures to prevent alcohol abuse on its premises or related to its premises by instituting a program such as Training for Intervention Procedures by Servers of Alcohol (T.I.P.S.), Techniques of Alcohol Management (T.A.M.) or the Management/Server Alcohol Awareness Program.

The General Manager of Food Services for the stadium, Nicholas J. Kavalauskas, is certified in the TIPS program and will provide training for all serving staff. The General Manager, Paul Barbeau, has himself gone through the TIPS program three times in the past, and will ensure that proper training is performed.

- (6) Satisfactory evidence to show that the applicant has the financial ability to complete his project according to his plans and within a reasonable period of time.

Midland Stadium Concessions, LLC, through its parent entity Michigan Baseball Foundation, Inc., has a line of credit with Chemical Bank in the amount of \$20,000,000, which will be significantly more than the amount that will be required to complete the stadium construction and commence operations this April.

- (7) In the case of a new license, the applicant shall specify the type of license and if the establishment will require a permit for dance and entertainment.

The license for the stadium will be a Resort Economic Development Class C liquor license issued under MCL Section 436.1531(4). Permits for dance and entertainment have been requested.

- (8) Any other information that may be requested by the City Manager that is pertinent to the proper consideration of the application.

If additional information is needed, please contact Mike Hayes at 636-4746, Peyman Zand at 636-8856, or Paul Barbeau at 837-2255. Our attorney Bill Collins can be reached at 839-0300.

LIQUOR LICENSE APPLICATION
(Type or Print Everything Except Signatures)
MIDLAND, MICHIGAN

DATE 02/09/07

I/We hereby make application for:

TRANSFER OF OWNERSHIP of _____ license(s) located at _____
(Type) (Address of Establishment)

from _____ who resides at _____
(Name of Present Owner) (Home Address of Present Owner)

TRANSFER OF LOCATION of _____ license(s) from _____
(Type) (Present Address of Establishment)

to _____
(Proposed Address of Establishment)

NEW Class C license to be located at Resort Economic Development
825 East Main Street, Midland, MI 48640
(Type) (Proposed Address of Establishment)

CONVERSION of license from _____ to _____ for business located at
(Type) (Type)

_____ (Address of Establishment)

The business is, or will be known as, Dow Diamond
(Name of Establishment)

and respectfully request that said license(s) be issued in the name(s) of _____

Midland Stadium Commissions, LLC

- as: an INDIVIDUAL (Give name and home address below)
- a PARTNERSHIP (List below name, address and percentage of ownership of each partner)
- a CLUB* (List below names, titles and home addresses of three officers, CORPORATION**(authorized agent, and person responsible for management of license)

<u>William S. Stavropoulos</u>	<u>President</u>	<u>2030 Dow Center, Midland, MI</u>
(Name)	(% Ownership of Title)	(Home Address)

<u>Michael D. Hayes</u>	<u>Vice President</u>	<u>2030 Dow Center, Midland, MI</u>
(Name)	(% Ownership of Title)	(Home Address)

<u>William Weideman</u>	<u>Treasurer</u>	<u>2030 Dow Center, Midland, MI</u>
(Name)	(% Ownership of Title)	(Home Address)

<u>Paul Barbeau</u>	<u>General Manager</u>	<u>2101 Norwood Drive, Midland, MI</u>
(Name)	(% Ownership of Title)	(Home Address)

	(Name)	(Home Address)
	(% Ownership of Title)	

* IF APPLICANT IS A CLUB: When organized? _____ Has it been in existence continuously since being organized? _____ Purpose of organization _____
Number of members _____ What percentage of members are citizens of USA? _____

** IF APPLICANT IS A CORPORATION: ^{Limited Liability Company} Incorporated in what State? Michigan

Home office location 215 East Main Street How many ^{Members} stockholders? One-Michigan Baseball Foundation, Inc.

Purpose of Corporation Minor league baseball team and stadium

FINANCIAL INFORMATION

What is estimated cost of entering liquor business of type indicated? \$33,790,000

Has applicant ever had any financial interest in any other liquor license? No.

How? _____ Type _____ When? _____

Where? _____ When and how was it disposed of? _____

Give names of all persons other than applicant who either directly or indirectly will have any financial interest in your business (including mortgagees and vendors under title retaining contracts (if any) if application is approved _____

Name of recorded owner of property on which license is to be located stadium owned by Michigan Baseball Foundation, Inc.; underlying land owned by The Dow Chemical Company.

I, Micheal D. Hayes, the applicant or the authorized agent for the applicant, do solemnly swear that the foregoing statements are true.

By: *Micheal D. Hayes*
^{Michigan Stadium Concessions, LLC}
(Signature of applicant or agent)
Micheal D. Hayes, Authorized Agent

Subscribed and sworn to before me a Notary Public in and for Midland County, Michigan, this 9th day of Feb, 2007.

William E. Collins
(Notary Public)

My commission expires 07/29/2010

William E. Collins

SUPPLEMENTAL INFORMATION
LIQUOR LICENSE APPLICATION
(Type or Print Everything Except Signatures)
MIDLAND, MICHIGAN

I. PERSONAL DATA

Date February 9, 2007

1. Name Barbeau Paul
(Last) (First) (Middle)

2. Has your name been legally changed: Yes _____ No X
If yes, explain:

3. List any other names you have used: (Alias, Nickname) None.

4. List maiden name, if applicable. N/A

5. Date and Place of Birth: 03/18/73 Beverly, Essex County, Massachusetts
(mo/day/yr) (City, County and State)

6. Present Address: 2101 Norwood Drive
(Apt. No.) (Street No. and Name)
Midland Michigan 48640
(City) (State) (Zip)

How long have you lived at this address: Since May of 2006

7. Have you ever been convicted of a criminal offense: _____

Felony No Misdemeanor No

Give complete record of all convictions, including dates and places.

8. Do you associate or have you ever associated with known person(s) who have been involved, charged or convicted of illegal gambling, narcotic or vice activities?

Yes _____ No X

If yes, give name and details.

Signed: Paul Barbeau

Date: February 9, 2007

II. PLACE OF BUSINESS

1. Name of Business Dow Diamond
- A. Address 825 East Main Street
- B. Telephone 989-837-2255
2. Name of owner of building: Michigan Baseball Foundation, Inc.
- A. Address & telephone number 215 East Main Street, Midland, MI 48640
989-837-2255
- B. Short description of building with approximate size:
Minor league baseball stadium seating approximately 5,300 people.
- C. Type of business to be conducted: Minor league baseball team and civic events.
- D. Type of business, if already established: N/A
- E. (Resort License) Is establishment connected with living or sleeping quarters? No
- F. (Resort License) Can living quarters be reached from inside of establishment? N/A
- G. Does applicant intend to have dancing or entertainment? Yes
If yes, what? Stadium will be available for public events, entertainment performances, and civic gatherings.
- H. Approximate capacity. Indoor concourse 15,000 square feet, suite level lobby 4,000 square feet.
3. Is business owned by applicant or is it a partnership, company or corporation?

The applicant, Midland Stadium Concessions, LLC is solely owned by Michigan Baseball Foundation, Inc.

A. Names and addresses of all officers and office held:

William S. Stavropoulos, President 2030 Dow Center, Midland

Michael D. Hayes, Vice President 2030 Dow Center, Midland

William Wiedeman, Treasurer 2030 Dow Center, Midland

Genec Velasquez, VP Assistant Secretary 4018 West Main Street, Midland

III. APPLICANT'S FINANCIAL STATUS

1. If business is partnership or company, give the following information of persons with interest in the business:

<u>Name & Address</u>	<u>Nature of interest in business or official position</u>	<u>U. S. Citizen (Yes or No)</u>
---------------------------	--	----------------------------------

Michigan Baseball Foundation, Inc. is the sole owner and is a Michigan non-profit corporation organized on a directorship basis.

2. Have any of the person(s) above had a Liquor License suspended or revoked at any time? Yes _____ No X

If so, attach full explanation:

3. Does applicant now have or ever had a Liquor License? No.

List any violations:

4. Has applicant ever applied for a Liquor License in the past? No

A. Was it approved or refused? N/A

5. Does any member of your family now have or ever had a Liquor License?

Yes _____ No X

If yes, describe:

6. Do other persons or businesses have any interest in your proposed business?

Yes _____ No X

If yes, explain:

7. Have you paid, promised to pay, or given any money, material, service or consideration to any person, directly or indirectly, for any recommendation or influence promised toward procuring your Liquor License? No

If yes, give details:

8. Are you now engaged in any business as a silent owner or silent partner?
Yes No X

If yes, give details:

9. Have you paid, promised to pay, or given any money, material, service or consideration to any political candidate for local, state or federal office:

Yes

No X

If yes, give details:

AUTHORIZATION TO RELEASE INFORMATION

As an applicant for a Liquor License within the City of Midland, I am required to furnish information for use in determining my background. In this connection, I authorize release of any and all information that you may have concerning me, including information of a confidential or privileged nature.

I hereby release you, your organization or others from liability or damage which may result from furnishing the information requested.

Signed: _____

Paul Barbeau
Paul Barbeau

Date: February 9, 2007

Witness: _____

William C. Collins

Date: February 9, 2007



The Dow Chemical Company
Midland, Michigan 48674
USA

2030 Dow Center
February 9, 2007

Mr. Jon Lynch
City Manager
333 West Ellsworth
Midland, MI 48640

Hand Delivered

Re: Liquor License Application of Midland Stadium Concessions, LLC
Character Reference For Paul Barbeau

Dear Mr. Lynch:

I am personally acquainted with Paul Barbeau, the General Manager of the Great Lakes Loons and the individual who will oversee the management of the Dow Diamond baseball stadium operations, including the food and beverage service operations of Midland Stadium Concessions, LLC.

Mr. Barbeau is experienced in managing baseball operations and is a person of integrity and character. He is well qualified for the position of General Manager.

This letter is intended to meet the requirements of Midland Ordinance Sec. 15-224(1). If you need additional information, please let me know.

Sincerely,

Michael D. Hayes

WILLIAM C. COLLINS
R. DRUMMOND BLACK
RAMON F. ROLF, JR.
PETER A. POZNAK
W. JAY BROWN
WILLIAM R. GARCHOW
R. PAUL LARSEN
KRISTINA S. PENNEX
JOHANNA L. JOZWIAK

OF COUNSEL:
ROBERT H. MEISEL
A. T. LIPPERT, JR.

CURRIE KENDALL^{PLC}

ATTORNEYS AT LAW
6024 EASTMAN AVENUE
MIDLAND, MICHIGAN 48640-2518
989 839-0300
FAX 989 832-0077

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WWW.CURRIEKENDALL.COM

February 9, 2007

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EMERITUS:
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City Manager
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Re: Liquor License Application of Midland Stadium Concessions, LLC
Character Reference For Paul Barbeau

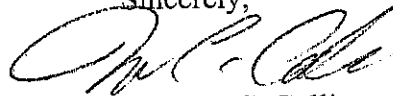
Dear Mr. Lynch:

This letter is written to meet the requirements of Midland Ordinance Sec. 15-224(1).

I have worked with Paul Barbeau in a professional capacity since he came to Midland in May of 2006. Mr. Barbeau was hired to be the General Manager of the Great Lakes Loons after a national search, and has extensive experience in minor league baseball operations. He is of excellent character and has become involved in community activities. He is well suited to oversee the operations at the Dow Diamond.

. If you need additional information, please let me know.

Sincerely,



William C. Collins



CHEMICAL BANKSM

333 E. Main / P.O. Box 231 / Midland, MI 48640-0231
Telephone: (989) 631-9200 800-722-6050

Jon Lynch
City Manager
City Hall
333 West Ellsworth
Midland, MI 48640
Hand Delivered

Re: Liquor License Application of Midland Stadium Concessions, LLC
Character Reference For Paul Barbeau

Dear Mr. Lynch:

This letter is intended to meet the requirements of Midland Ordinance Sec. 15-224(1).

I am personally acquainted with Paul Barbeau. Paul serves as a board member of the Midland Community Bank for Chemical Bank. He is a person of integrity and character and has the experience in the baseball business to be successful with Great Lake Loons and the Midland baseball stadium venture.

If you need additional information, please don't hesitate to contact me at (989) 839-5298.

Sincerely,

Robert S. Rathbun,
Senior Vice President



Michigan Department of Labor & Economic Growth
MICHIGAN LIQUOR CONTROL COMMISSION (MLCC)
7150 Harris Drive, P.O. Box 30005
Lansing, Michigan 48909-7505

LOCAL APPROVAL NOTICE
[Authorized by MCL 436.1501]

FOR MLCC USE ONLY

Request ID # 376639

Business ID # 181572

January 3, 2007

TO: MIDLAND CITY COUNCIL
333 WEST ELLSWORTH STREET
PO BOX 1647
MIDLAND, MI 48641-1647

RECEIVED

FEB 05 2007

City of Midland
City Manager's Office

APPLICANT: MIDLAND STADIUM CONCESSIONS, LLC

Home Address and Telephone No. or Contact Address and Telephone No.:
MICHIGAN BASEBALL FOUNDATION, INC., 825 EAST MAIN, MIDLAND, MI 48640 (989)636-4746

The MLCC cannot consider the approval of an application for a new or transfer of an on-premises license without the approval of the local legislative body pursuant to the provisions of MCL 436.1501 of the Liquor Control Code of 1998. For your information, local legislative body approval is also required for DANCE, ENTERTAINMENT, DANCE-ENTERTAINMENT AND TOPLESS ACTIVITY PERMITS AND FOR OFFICIAL PERMITS FOR EXTENDED HOURS FOR DANCE AND/OR ENTERTAINMENT pursuant to the provisions of MCL 436.1916 of the Liquor Control Code of 1998.

For your convenience a resolution form is enclosed that includes a description of the licensing application requiring consideration of the local legislative body. The clerk should complete the resolution certifying that your decision of approval or disapproval of the application was made at an official meeting. **Please return the completed resolution to the MLCC as soon as possible.**

If you have any questions, please contact the On-Premises Section of the Licensing Division as (517) 636-4634.

**PLEASE COMPLETE ENCLOSED RESOLUTION AND RETURN
TO THE LIQUOR CONTROL COMMISSION AT ABOVE ADDRESS**

1-26-07jms

STATE OF MICHIGAN
DEPARTMENT OF LABOR & ECONOMIC GROWTH
LIQUOR CONTROL COMMISSION

RESOLUTION

At a _____ meeting of the _____
(Regular or Special) (Township Board, City or Village Council)

called to order by _____ on _____ at _____ P.M.

The following resolution was offered:

Moved by _____ and supported by _____

That the request from MIDLAND STADIUM CONCESSIONS, LLC FOR A NEW 12 MONTHS RESORT ECONOMIC DEVELOPMENT CLASS C LICENSE ISSUED UNDER MCL 436.1531(4) WITH DANCE-ENTERTAINMENT PERMIT TO BE LOCATED AT 825 E. MAIN STREET, MIDLAND, MI 48640; MIDLAND COUNTY.

be considered for _____
(Approval or Disapproval)

APPROVAL

DISAPPROVAL

Yeas: _____

Yeas: _____

Nays: _____

Nays: _____

Absent: _____

Absent: _____

It is the consensus of this legislative body that the application be:

_____ for issuance
(Recommended or not Recommended)

State of Michigan _____)

§

County of _____)

I hereby certify that the foregoing is a true and complete copy of a resolution offered and

adopted by the _____ at a _____
(Township Board, City or Village Council) (Regular or Special)

meeting held on _____
(Date)

SEAL

(Signed) _____
(Township, City of Village Clerk)

(Mailing address of Township, City of Village)