



CITY COUNCIL ACTION ITEM

Date: November 22, 2013

To: Brian M. Kischnick, City Manager

From: Gary G. Mayer, Chief of Police *ggm*

Subject: Recommendation: Six Month Review of the Amendments to Troy City Code Chapter 77, Smoking Lounges Hours of Operations

Background

Prior to May of 2013, several incidents occurred at Hookah establishments in the City of Troy. Hookah establishments attracted large crowds which resulted in overflow parking into nearby businesses, often leaving behind debris. These large crowds generated multiple incidents requiring a police response, including a shooting, fights, drug and alcohol possession, noise, traffic, and parking complaints from area businesses and residents. Complaints were also received that hookah establishments were allowing minors (under 18) into their businesses contrary to state law. There were no restrictions on the hours of operations for hookah establishments and many of the incidents occurred after 12:00 a.m. (midnight).

On May 8, 2013, City Council voted to amend City Ordinance Chapter 77 of the Troy City Code to limit the hours of operations, restrict transfers of state exemption certificates into Troy, required specific information on operational management, reinforce current state laws, implement parking-related restrictions, and establish specific codes of conduct for these establishments. City Council indicated that the amendments to Chapter 77 would be reviewed in six months for compliance and effects of the enacted revisions.

Since the revisions to Chapter 77 took effect, we have experienced an overall decrease of 52% in calls for service to these establishments.

Included in these were:

40% drop in the drug/alcohol related incidents (5 to 3)

73% drop in suspicious incidents (11 to 3)

83% drop in traffic/parking related incidents (6 to 1)

Attached you will find documents that summarize incidents pre and post City Ordinance Chapter 77 changes. It is also important to recognize that the current hookah establishments have made an investment in their Troy businesses. Business representatives have asked for extended hours to attract customers. In the spirit of compromise this merits consideration.

Recommendation

It is evident that the amendments to Chapter 77 along with a robust licensing inspection program by the Police Department achieved the intended purpose. The Police Department recommends modification of Chapter 77 to allow the hours of operation to be extended to 1:00 a.m. on Friday and Saturday.

City Attorney's Review as to Form and Legality

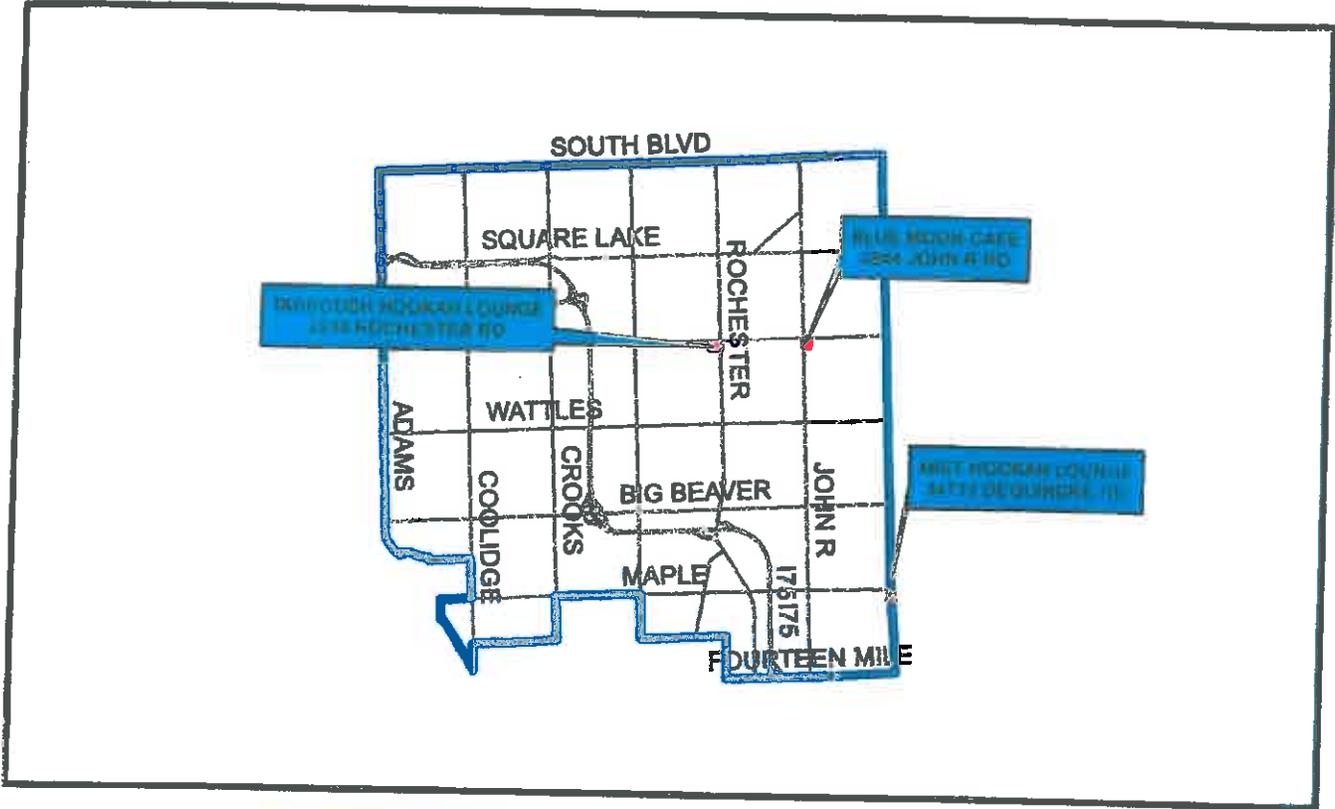
Lori Grigg Bluhm
 Lori Grigg Bluhm, City Attorney

11/22/2013
 Date

CITY OF TROY HOOKAH LOUNGES

POST CHAPTER 77 ORDINANCE CHANGE

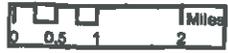
5/13/2013 - 11/12/2013



BLUE MOON CAFE
4544 JOHN R RD
5-21-2013 (13-15588)
Copy of new ordinance was given to owner Jonathan Yacoub
5-27-2013 (13-16214)
Ordinance Violation - New patrons were still in the business at 01 00 business was cited for violation of new ordinance
5-28-2013 (13-16456)
Cocaine Possession - suspicious vehicle in parking lot after midnight revealed two underage males that had been consuming alcohol in the parking lot and were in possession of cocaine - suspects released pending warrants- both suspects have criminal histories
6-02-2013 (13-17094)
Suspicious Vehicle - vehicle checked out clear
6-18-2013 (13-18786)
Parking Complaint - Person issued citation for parking in handicapped spot without proper tag
8-8-2013 (13-25022)
Ordinance Violation - cited for no registered manager on premise - Yacoub, Julian stated he was the manager but was not registered with City and had Troy warrants and was arrested(13-25021)
11-14-2013
Copy of memo about council meeting delivered to Jonathan Yacoub

MIST HOOKAH LOUNGE
34713 DEQUINDE RD
5-21-2013 (13-15584)
Copy of new ordinance was given to co-owner Brian Joseph Kajo
5-24-2013 (13-16214)
Call for a suspicious person waving a laser - through investigation learned it was an underage cousin of owner who sparked a security guard's laser - cousin was asked to leave
6-11-2013 (13-20083)
Marijuana Possession- suspicious occupied car in parking lot after midnight revealed car's driver had a large amount of marijuana and drug paraphernalia in car; driver received citations and was released and advised to set-up a court date
11-11-2013 (13-35542)
Marijuana Possession and FNP- Officer observed vehicle running with head lights on and went to check on driver-passenger was in possession of marijuana and pipe- passenger was cited and released
11-14-2013
Copy of memo about council meeting delivered to Brian Kajo

TARBOOSH HOOKAH LOUNGE
4539 ROCHESTER RD
5-21-2013 (13-15601)
Copy of new ordinance was given to manager Bashar Dentry
11-14-2013
Copy of memo about council meeting delivered to Bashar Dentry

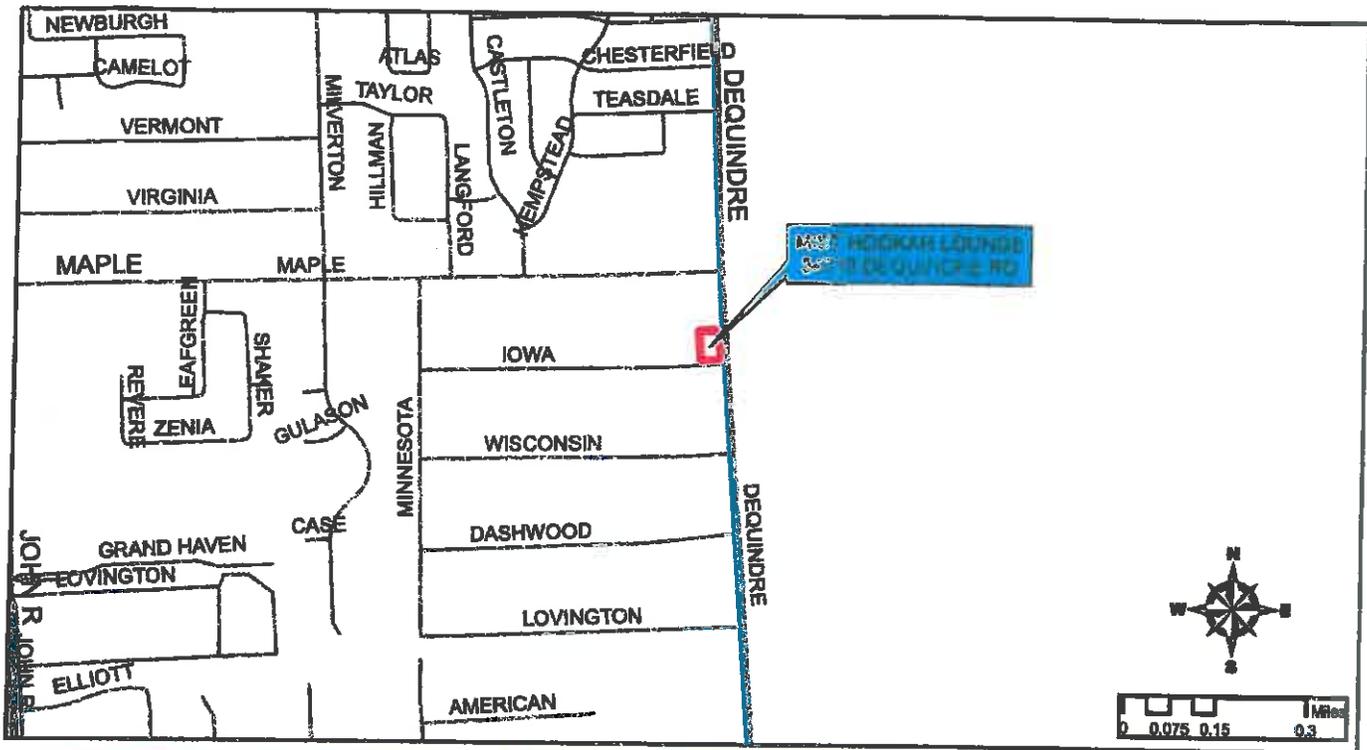


****ICE Lounge (formerly CoffeeNetUSA- 5929 John R Rd) 2nd applicant rejected by Police because of criminal past 3rd applicant also rejected by Police because of criminal past on 7-25-2013 Recently noticed business signage taken down and "For Lease" up out front**
****White Room (1985 E Wattles) has state exemption, but has not applied for city license No Updates**
****2995 E Long Lake (Inquiries made) No Updates**

MIST HOOKAH LOUNGE

PRE CHAPTER 77 ORDINANCE CHANGE

11/13/2012 - 5/12/2013



MIST HOOKAH LOUNGE
 34713 DEQUINDRE RD
 12-26-2012
 Mist's smoking license was approved by City
 1-18-2013 (13-2045)
 Suspicious Circumstances - called in as fight inside Mist but all people involved had left before police arrived
 2-18-2013 (13-5132)
 Aggravated Assault w/ Gun- 4 males were kicked out of the Mist and one retrieved a gun and pointed it at the bouncers and then fired one shot in the air as they all left in vehicle
 2-18-2013 (13-5428)
 Suspicious Circumstances- several customers came and went very quickly - no issues
 3-19-2013 (13-5523)
 Suspicious Person- no issues
 3-21-2013 (13-5818)
 Suspicious Person- no issues
 3-23-2013 (13-5838)
 Suspicious Vehicle- no issues
 3-23-2013 (13-5847)
 Marijuana Possess- officers patrolling parking lot and found occupied vehicle with two people smoking marijuana and both were arrested
 2-23-2013 (13-5858)
 Nuisance Ordinance- patron in cell in Mist's parking lot was honking his horn at pedestrians in lot - cited for Noise Prohibited Home and Signal Devices

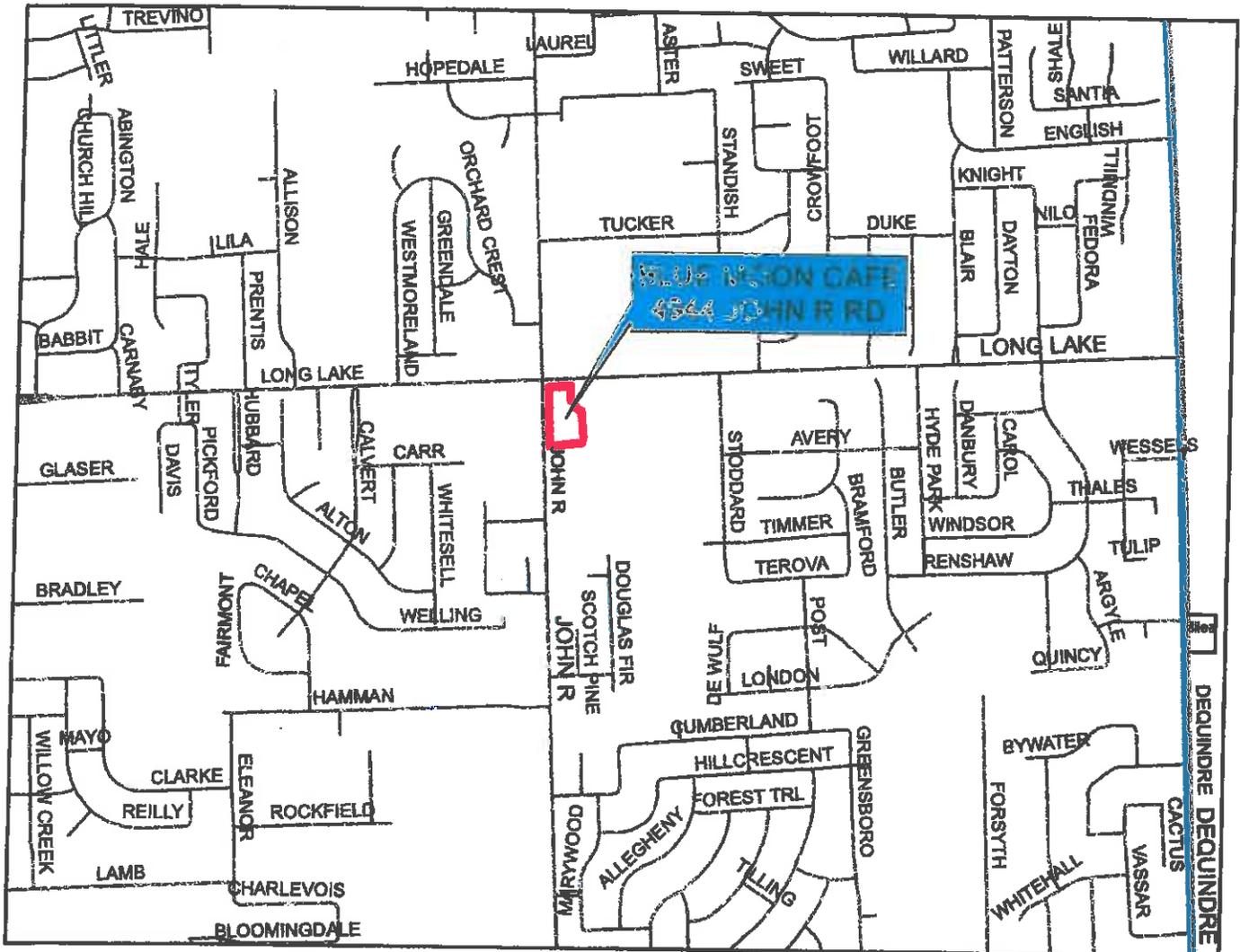
2-23-2013 (13-5887)
 Marijuana Possess- while officers were patrolling parking lot found occupied vehicle with three males smoking marijuana- passenger cited and released
 2-23-2013 (13-5925)
 Suspicious Vehicle- no issues
 3-23-2013 (13-6933)
 Open Container- person in parking lot drinking a 22 oz beer- cited and released
 2-24-2013 (13-68021)
 Property Damage Crash - citation issued
 3-25-2013 (13-68028)
 Parking Complaint - citation issued
 2-25-2013 (13-68123)
 Parking Complaint - Citation issued for illegally parking in handicap space
 2-25-2013 (13-68328)
 AB Temp - two patrons got into a fight inside Mist
 3-03-2013 (13-69773)
 Larceny- purse stolen from patron while inside Mist
 3-06-2013 (13-67138)
 Nuisance Parking- citations issued
 3-08-2013 (13-67138)
 Parking Complaint- no violation
 3-27-2013 (13-69571)
 Marijuana Possess- two individuals observed smoking marijuana inside vehicle - both cited and released
 4-01-2013 (13-69583)
 Suspicious Vehicle - passengers just talking - no violations

4-10-2013 (13-10948)
 Suspicious Circumstances - reports of under age patrons - no violations
 4-12-2013 (13-11188)
 Marijuana Possess- officers patrolling parking lot found occupied vehicle- driver cited and released
 4-27-2013 (13-12871)
 Disorderly Conduct - two patrons were fighting and left before police arrival
 5-03-2013 (13-13340)
 Marijuana Possess - Officers waiting parking lot noticed car running occupied by four men - driver cited for marijuana and paraphernalia possession and released
 5-04-2013 (13-13478)
 Customs Trouble
 5-21-2013 (13-15884)
 Copy of new ordinance was given to co-owner Brian Joseph Keys



BLUE MOON CAFE

PRE CHAPTER 77 ORDINANCE CHANGE
11/13/2012 - 5/12/2013



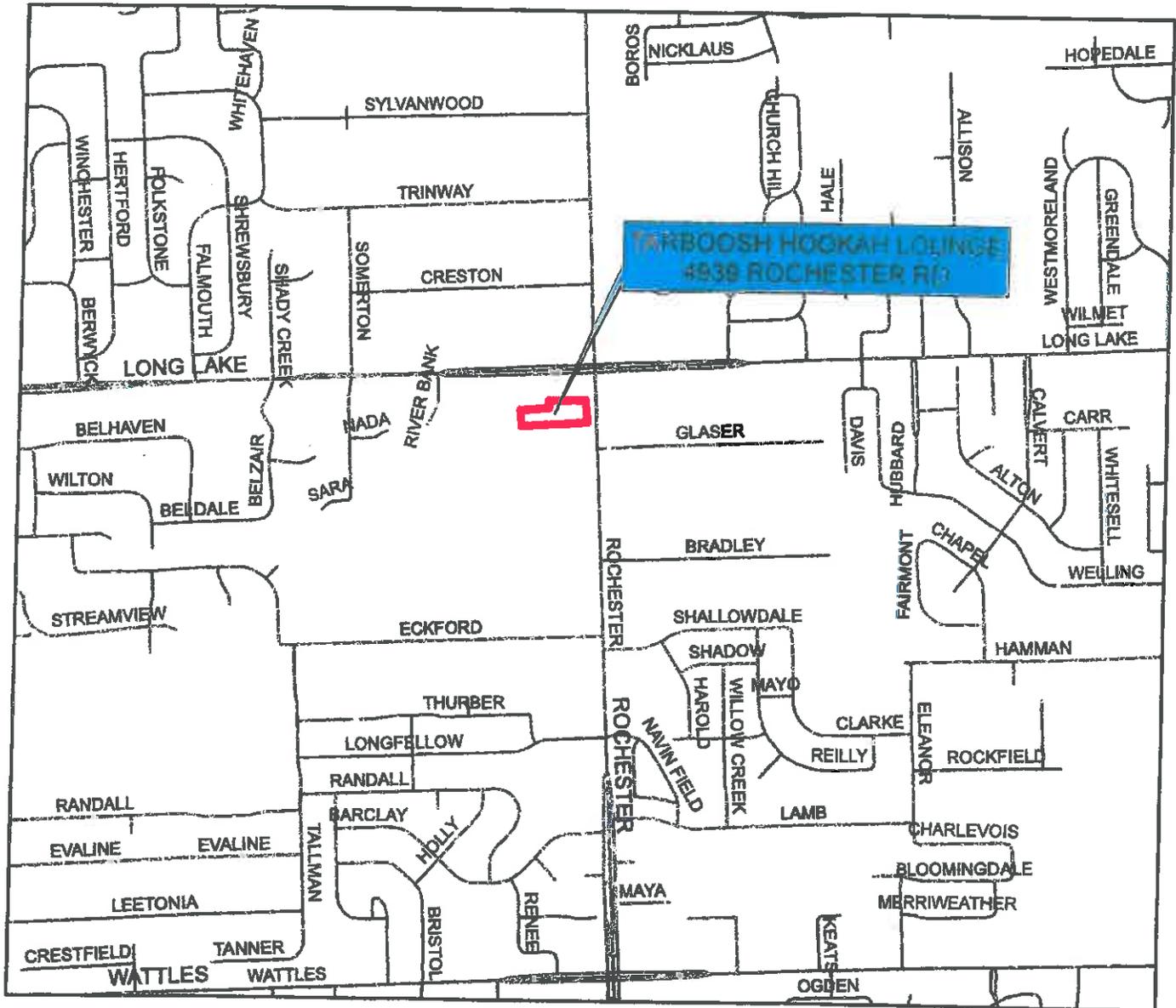
BLUE MOON CAFE
4544 JOHN R RD
6-12-2012
Blue Moon's smoking license was approved by City 12-18-2012 (12-41618)
Suspicious Person- person in vehicle parked in Handicap space without permit was cited for giving false info to officer 12-31-2012 (12-41816)
302X Care for Medical- employee of Blue Moon was reported to have passed and was vomiting 3-15-2013 (13-08011)
Traffic/Parling Complaint- citation issued 3-18-2013 (13-08134)
Suspicious Vehicle- citation issued 4-25-2013 (13-12554)
Suspicious Vehicle- while patrolling parking lot officers noticed car with windows fogged up and found two patrons inside car 6-21-2013 (13-15598)
Copy of new ordinance was given to owner Jonathan Yasoub



TARBOOSH HOOKAH LOUNGE

PRE CHAPTER 77 ORDINANCE CHANGE

11/13/2012 - 5/12/2013



TARBOOSH HOOKAH LOUNGE
4938 ROCHESTER RD

TARBOOSH HOOKAH LOUNGE
4938 ROCHESTER RD
2-08-2013
Tarboosh's smoking license was approved by City
3-23-2013 (13-09022)
Miscellaneous Public received call about nude underage patrons inside Tarboosh - they were all gone before Police arrival
5-10-2013 (13-14293)
Health and Safety Violation: there was a call of underage patrons in lounge- police did ID check and found several underage patrons resulting in Tarboosh receiving citations of City Ordinance
5-21-2013 (13-15001)
Copy of new ordinance was given to owner Bashai Dimiry.



City of
Troy

CITY OF TROY

AN ORDINANCE TO AMEND

CHAPTER 77 OF THE CODE OF THE CITY OF TROY

THE CITY OF TROY ORDAINS:

Section 1. Short Title: That Sections 11 and 13 of Chapter 77– Smoking Lounges of the City of Troy Code of Ordinances- is hereby amended to modify the hours of operation for Friday and Saturday nights only, as set forth below in red line version.

11. Hours of Operation

It shall be unlawful for a smoking lounge business to be open for business or for the licensee, manager or any employee of a licensee to allow patrons to enter into the licensed premises between ~~midnight~~ 12:00 a.m. of each day until ~~eight~~ 8:00 a.m. the next day, **except that the closing time for Saturday morning and for Sunday morning can be extended one hour to 1:00 am.** All individuals except employees of the smoking lounge business shall be required to leave or be removed from the building by 12:30 a.m., **except that this time can be extended by one hour until 1:30 a.m. on Saturday morning and Sunday morning.** Only a maximum of three (3) employees shall remain on the premises after 12:30 am **or 1:30 a.m. on Saturday morning and Sunday morning only**, and each shall carry proof of employment at the licensed establishment, such as an identification badge. The manager and/or employees shall provide proof of such employment when requested to do so by a member of the Troy Police Department or Troy Fire Department

13. Parking Restrictions

The manager and/or employees shall require patrons to leave the parking lot of the smoking lounge business by 12:30 a.m, **except for Saturday and Sunday morning, when the manager and/or employees shall require patrons to leave the parking lot of the smoking lounge by 1:30 a.m.** The manager and/or employees shall ensure that patrons of the smoking lounge business are not parking in adjacent or neighboring parking lots or in residential areas that are not part of the parking area provided to the licensed premises.

Section 6. Effective Date

This Ordinance shall become effective ten (10) days from the date hereof or upon publication, whichever shall later occur.

This Ordinance is enacted by the Council of the City of Troy, Oakland County, Michigan, at a regular meeting of the City Council held at City Hall, 500 W. Big Beaver, Troy, MI, on Monday, _____, 2013.

Dane Slater, Mayor

M. Aileen Bittner, City Clerk

Beth L Tashnick

Subject: FW: Smoking lounge Ordinance 77 Review Letter for Distribution to City Council Members
Attachments: SIGNED OWNERS_0001.pdf; SIGNED OWNERS_0002.pdf

**Fabric Affair
4928 John R. Rd.
Troy, MI
248-457-9320**

To: City of Troy Council members

November 22, 2013

Dear Sir/Madam,

I am writing you today in reference to the upcoming six month review of the City of Troy Smoking Lounges Ordinance Chapter 77. I am the current owner of the retail fabric & sewing machine store located directly next to the Blue Moon hookah bar located on John R. rd. in the city of Troy. After canvassing the surrounding cities for the best location to open our lifelong dream retirement business, my husband and I selected the city of Troy. We opened our business in the fall of 2011 and were graciously welcome by the community and supported by the efforts of the Troy City Departments.

This enjoyment was soon to be short lived due to the opening of the Blue Moon hookah bar. Since the hookah bars opening we have been forced to deal with a deluge of problems which never existed prior to its opening. We have been forced to request the services of the Troy police department on several occasions for noise violations, use of controlled substances in parking lot, removal of such substances from around the store fronts and sidewalks, verbal abuse by patrons of Hookah Bar, personal threats made and motorcycles driving down sidewalks directly past business doors to park in front of Hookah establishment. We also request the involvement of other departments for non-use of mandatory ventilation system resulting in smoke entering our fabric store potentially damaging product and waste form hookah bar discarded on sidewalks and area behind hookah bar. Now with recent increase in robberies and break-ins we feel the need for increased security and Police involvement.

We recently canvased the present store owners outside of the hookah bar and asked if they in favor of extending the hookah bars hours back to 2:00 a.m., four out of seven are opposed to extending hours and also request that these businesses no longer be allowed to operate in the City of Troy. The remaining three businesses selected not to get involved. Please find attached list.

If you have any question or if we can be of service please contact us at:

Fabric Affair
4928 John R. Rd.
Troy, MI. 48085

Thank you

Sincerely
Richard & Michelle Strassburg

November 19, 2013

Dear City Council Members,

As neighbors of the Blue Moon Hookah Lounge, we respectfully discourage amending City Ordinance Chapter 77 of the Troy City Code.

Business ownership in any economy is a challenge. Operating a business adjacent to the above Hookah Lounge has been even more of a challenge. We have experienced everything from motorcycles racing on the sidewalk in front of our door, very loud and foul language, excessive litter in the parking lot both front and back, broken windows in stores located in the plaza to outright verbal physical threats. We as business owners not only ask you not to amend the ordinance, we would like to see Hookah Lounges no longer allowed to operate in the City of Troy.

Respectfully,

The Business Owners in Plaza Long Lake & John R

Fabric Affair
Business Name

4928 John R
Address


Business Owner Signature

11-19-13
Date

BUSINESS NAME

Address

Cindy Jacklin
Business Owner Signature

11-19-13
Date

Fit Zone for Women, Troy
Business Name

4924 John R.
Address

Business Owner Signature

Date

Business Name

EMBERS DELI

Business Owner Signature

Business Name

Address

4916

Date

11-11-13

Address

Business Owner Signature

CN Nails & Spa

Business Name

Business Owners Signature

Date

4940

Address

11/30/13

Date

Business Name

Address

Business Owners Signature

Date