CITY COUNCIL ACTION REPORT

Date: November 10, 2014

To: Honorable Mayor and City Council

From: Brian M. Kischnick, City Manager
Lori Grigg Bluhm, City Attorney LGB
Gary G. Mayer, Chief of Police GGM FAP AGM

Subject: Recommendation: Eighteen 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 smoking lounges from other communities into Troy, require specific information on operational management, reinforce current state laws, implement parking-related restrictions, and establish specific codes of conduct for these establishments. Approximately six months after Chapter 77 was adopted, City Council reviewed the compliance and effects of the new ordinance, and decided to make no changes at that time. An owner of one of the Smoking Lounges in Troy has requested revisions to Chapter 77 to extend allowable operational hours until 2 am.

Attached please find documents that summarize incidents pre and post enactment of Chapter 77.

Review

Calls for service at the three hookah lounge establishments have been minimal for the past year. A citation was issued to the owner of Blue Moon Hookah for not having a valid state issued smoking lounge license (the owner was given a warning for the same violation prior to the citation being issued in June of 2014).

In summary, the operation of the three hookah lounges within the City of Troy has been smooth over the course of the last year.

It is easily noted however that the same cannot be said for hookah lounge establishments in neighboring jurisdictions. Discussion with contacts within the Metro Detroit law enforcement network and local media stories demonstrate that hookah lounges without regulations similar to Troy's can significantly drain municipal resources in our surrounding communities:

- Ignite Hookah Lounge at Crooks and Auburn in Rochester Hills had a shooting (multiple shooters, multiple rounds fired) in June of 2014
- Purple Haze Hookah in Walled Lake hosted a "rave" in February of 2014; investigation revealed they were almost five times over the occupancy limit and narcotic activity was rampant

- Blo Hookah in Shelby Township (previously owned by the owner of Amnesia Hookah & Cigar in Troy) was cited for the sale of tobacco to underage persons
- Recent news story cites 64 police calls for service to Blo Hookah in Shelby Township
- Blo Hookah in the City of Rochester has been a source of 48 police calls for service in recent months; 90% of these calls for service were between the hours of 12:00 a.m. and 4:00 a.m.
- Included in those 48 calls for service are felony narcotic arrests, misdemeanor narcotic arrests, assault and battery complaints, minor in possession of alcohol citations, and OWI arrests related to hookah lounge patrons

The statistical data supports that the number of complainants and observed issues at all three hookah establishments in Troy has dropped significantly since City Ordinance Chapter 77 was amended. There have been isolated incidents involving narcotics activity observed in the parking lots (specifically at Blue Moon Café and Mist Hookah Lounge) as well as other miscellaneous police action; however, this has been the exception not the rule.

We believe this drop in calls for service has a direct correlation to a drop in the overall negative impact of the Hookah establishments. This has been achieved through a combination of efforts put forth by the police department, the owners and management of the hookah establishments who have made business investments in the community, and the amendments enacted by City Council on May 8, 2013.

In review of the operation of the hookah lounge establishments within the city of Troy over the past year and a comparison of similar establishments in neighboring jurisdictions it is our recommendation that Chapter 77 remain status quo and no change is made to provide for additional hours of operation.

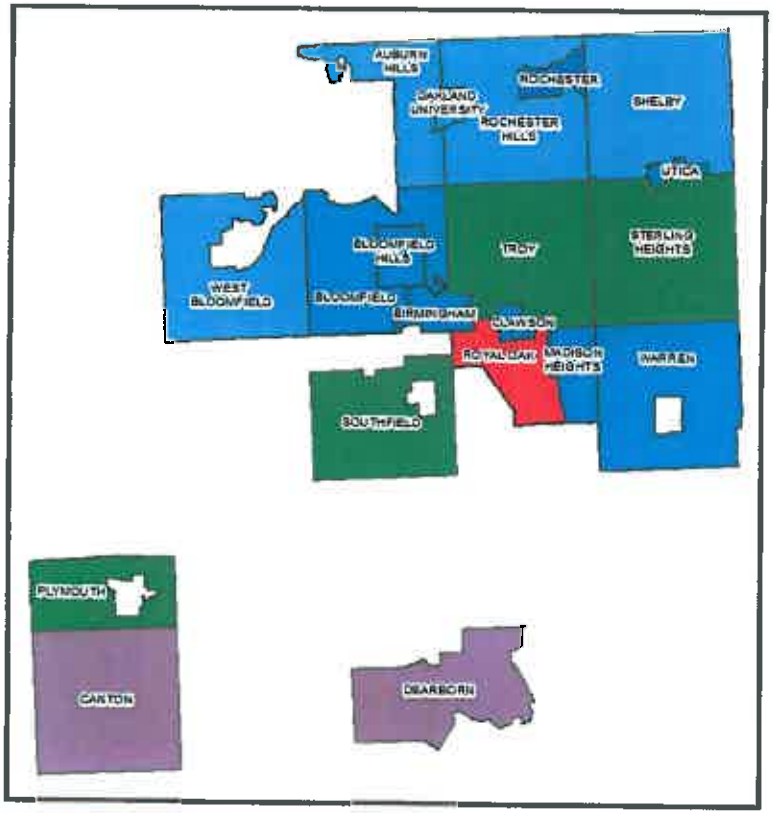
We are concerned that the request to extend the hours of operations until 2 am, which was made by one of the hookah lounge businesses, is designed to attract patrons who had previously frequented bars or other entertainment venues in the area. While this business model may benefit each of the three hookah establishments it would predictably have a corresponding negative effect on other area businesses, law enforcement resources, and quality of life for area residents. A glimpse of this effect can easily be seen by looking back to when Mist Hookah Lounge (now called Amnesia Hookah and Cigar) first opened for business and was met with harsh reaction from both local residents and neighboring businesses.

Recommendation

It is evident that the amendments to Chapter 77, combined with a robust licensing inspection program by the Police Department and the cooperation of the business owners to date, has achieved the intended purpose. We recommend no modification of Chapter 77.

Data assistance from Sergeant Joshua Jones, Crime Data Analyst Benjamin Nelms, and Law Clerk/Intern Nicole MacMillan

Area Closing Times of Hookah Lounges



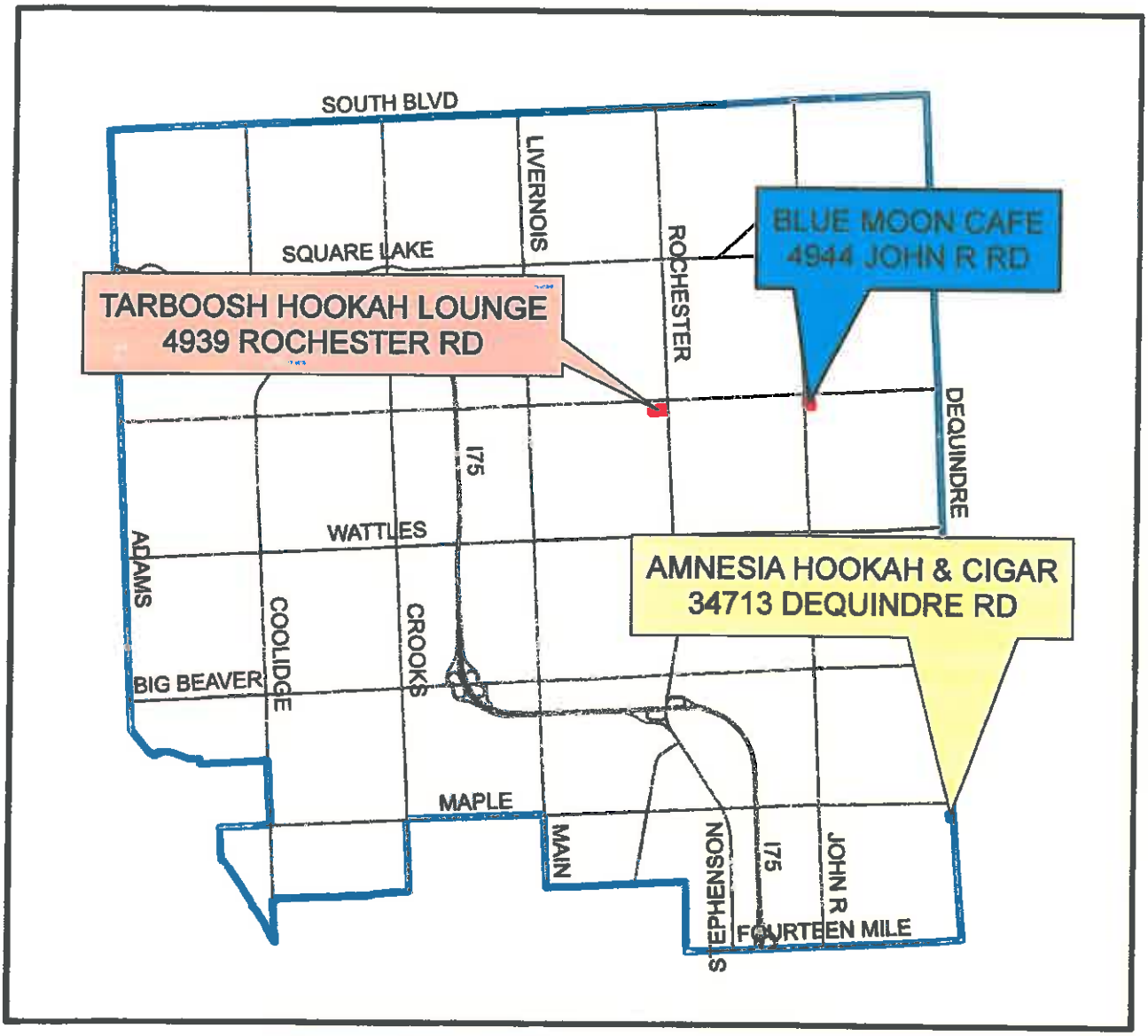
NO HOOKAH'S	12:00 AM	1:00 AM	2:00 AM	3:00 AM	4:00 AM	MORATORIUM
BIRMINGHAM	TROY ●		AUBURN HILLS ◆	ROCHESTER ●	ROYAL OAK ●	CANTON ✱
BLOOMFIELD TWP	PLYMOUTH ◆		SHELBY TWP ◆			DEARBORN ✱
BLOOMFIELD HILLS	SOUTHFIELD ●		W BLOOMFIELD ●			EAST LANSING ✱
CLAWSON	STERLING HEIGHTS		ROCHESTER HILLS ✱			
MADISON HEIGHTS						
MT. CLEMENS						
WARREN						

✱ NO ORDINANCE ● ORDINANCE IN PLACE

◆ PROPOSED ORDINANCE

CITY OF TROY HOOKAH LOUNGES

10/20/2013 - 10/20/2014



POLICE City of Troy

BLUE MOON CAFE-
4944 JOHN R RD
6-27-2014 (14-19346)
Ordinance Violation- cited for not having a valid smoking license on premise after a warning on 6-25-2014
11-14-2013
Copy of memo about council meeting delivered to Jonathan Yacoub

TARBOOSH HOOKAH LOUNGE-
4939 ROCHESTER RD
11-14-2013
Copy of memo about council meeting delivered to
Bashar Dimitry

AMNESIA HOOKAH and CIGAR
previously MIST HOOKAH LOUNGE-
34713 DEQUINDRE RD
6-27-2014
Met with new owner who stated he is waiting on paperwork from state to change state permit into his name from the previous owner
11-14-2013
Copy of memo about council meeting delivered to Brian Karjo
11/11/2013 (13-35842)
Marijuana Possession and PNP-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

**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

N W E S

0 0.275 0.55 1.1 Miles

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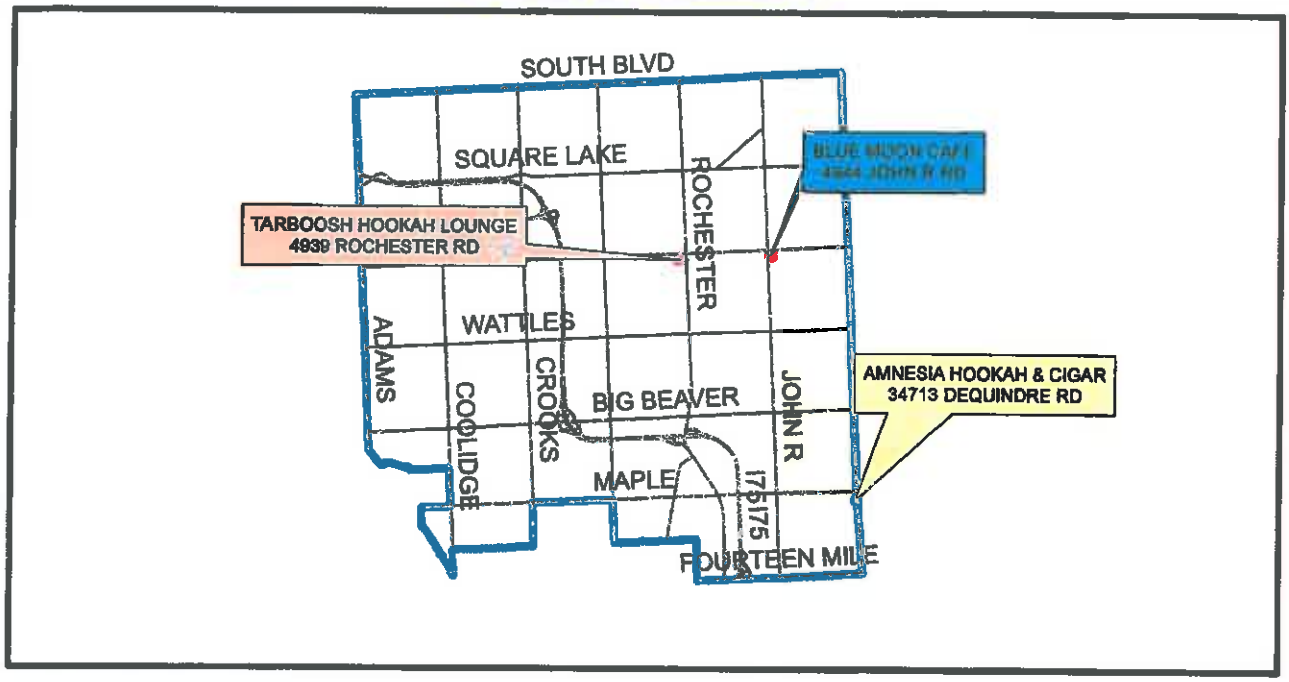
CITY OF TROY HOOKAH LOUNGES

POST CHAPTER 77 ORDINANCE CHANGE

5/13/2013 - 10/20/2014



BLUE MOON CAFE
4944 JOHN R RD
No new incidents between 6-28-2014 and 10-20-2014
6-27-2014 (14-18346)
Ordinance Violation- cited for not having a valid smoking license on premise after a warning on 6-25-2014
11-14-2013
Copy of memo about council meeting delivered to Jonathan Yacoub
6-8-2013 (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)
6-16-2013 (13-16766)
Parking Complaint - Person issued citation for parking in handicapped spot without proper tag
6/02/2013 (13-17094)
Suspicious Vehicle - vehicle checked out clear
5/26/2013 (13-16459)
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
5-27-2013 (13-16214)
Ordinance Violation - Nine patrons were still in the business at 01:00 business was cited for violation of new ordinance
5-21-2013 (13-15598)
Copy of new ordinance was given to owner Jonathon Yacoub

AMNESIA HOOKAH and CIGAR previously MIST HOOKAH LOUNGE-
34713 DEQUINDRE RD
No new incidents between 6-28-2014 and 10-20-2014
6-27-2014
Met with new owner who stated he is waiting on paperwork from state to change state permit into his name from the previous owner
11-14-2013
Copy of memo about council meeting delivered to Brian Karjo
11/11/2013 (13-35842)
Marijuana Possession and PNP- 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
9-11-2013 (13-29063)
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
5-24-2013 (13-16014)
Call for a suspicious person waving a taser - through investigation learned it was an underage cousin of owner who sparked a security guard's taser - cousin was asked to leave.
5-21-2013 (13-15584)
Copy of new ordinace was given to co-owner Brian Joseph Karjo

TARBOOSH HOOKAH LOUNGE-
4939 ROCHESTER RD
No new incidents between 11-15-2013 and 10-20-2014
11-14-2013
Copy of memo about council meeting delivered to Bashar Dimitry
5-21-2013 (13-15601)
Copy of new ordinance was given to manager Bashar Dimitry

**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

POLICE City of Troy

N W E S

0 0.5 1 2 Miles

**Report Updated from Previous Report Created on 7-28-2014

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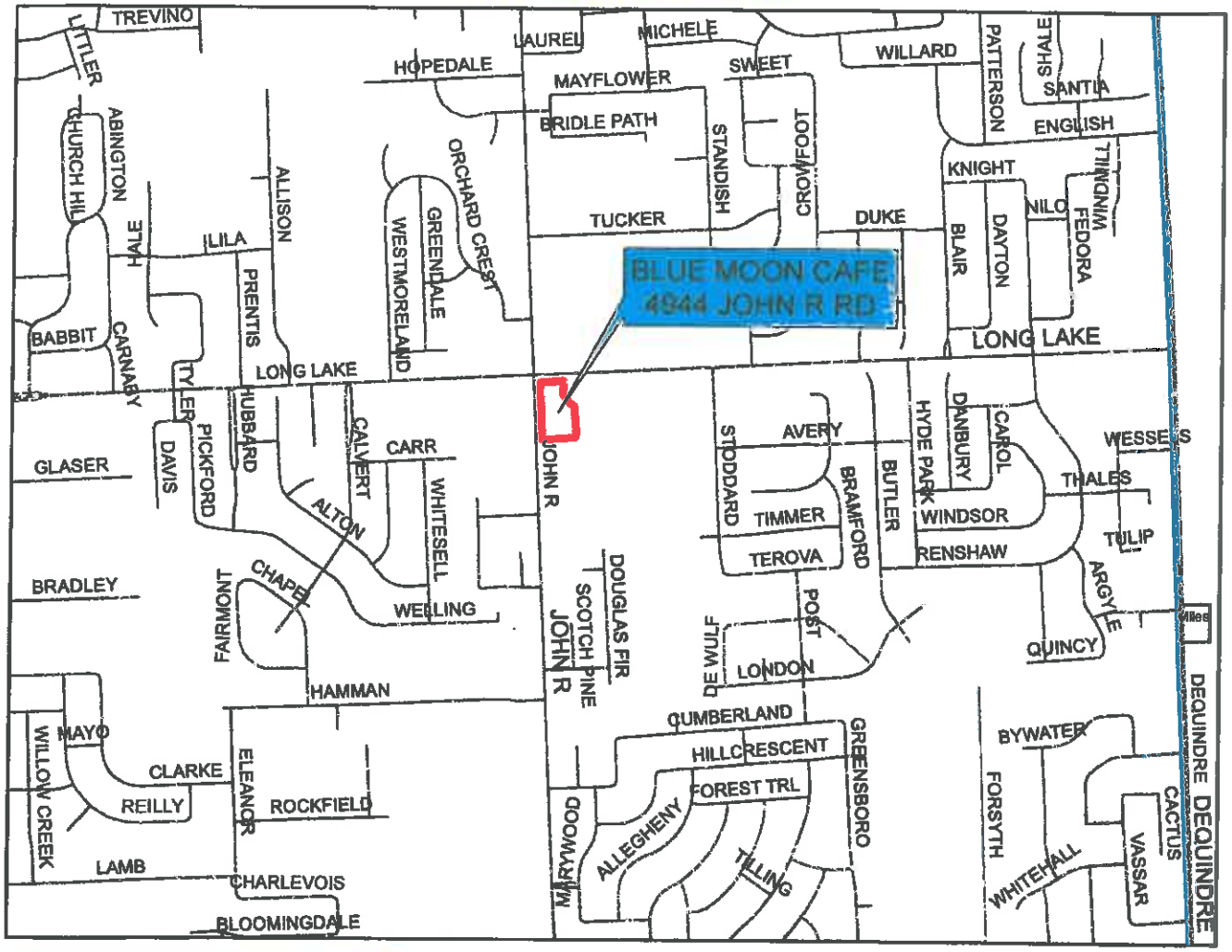
BLUE MOON CAFE

PRE CHAPTER 77 ORDINANCE CHANGE

11/13/2012 - 5/12/2013



BLUE MOON CAFE
4944 JOHN R RD
8-21-2013 (13-15598)
Copy of new ordinance was given to owner Jonathan Yacoub
4-26-2013 (13-12654)
Suspicious Vehicle- while patrolling parking lot officers noticed car with windows fogged up and found two patrons inside car
3-18-2013 (13-08134)
Suspicious Vehicle- citation issued
3-15-2013 (13-08011)
Traffic/Parking Complaint- citation issued
12-21-2012 (12-41815)
Sick Care for Medical- employee of Blue Moon was reported to have passed and was vomiting
12-16-2012 (12-41618)
Suspicious Person- person in vehicle parked in Handicap space without permit was cited for giving false info to officer
6-12-2012
Blue Moon's smoking license was approved by City

POLICE City of Troy

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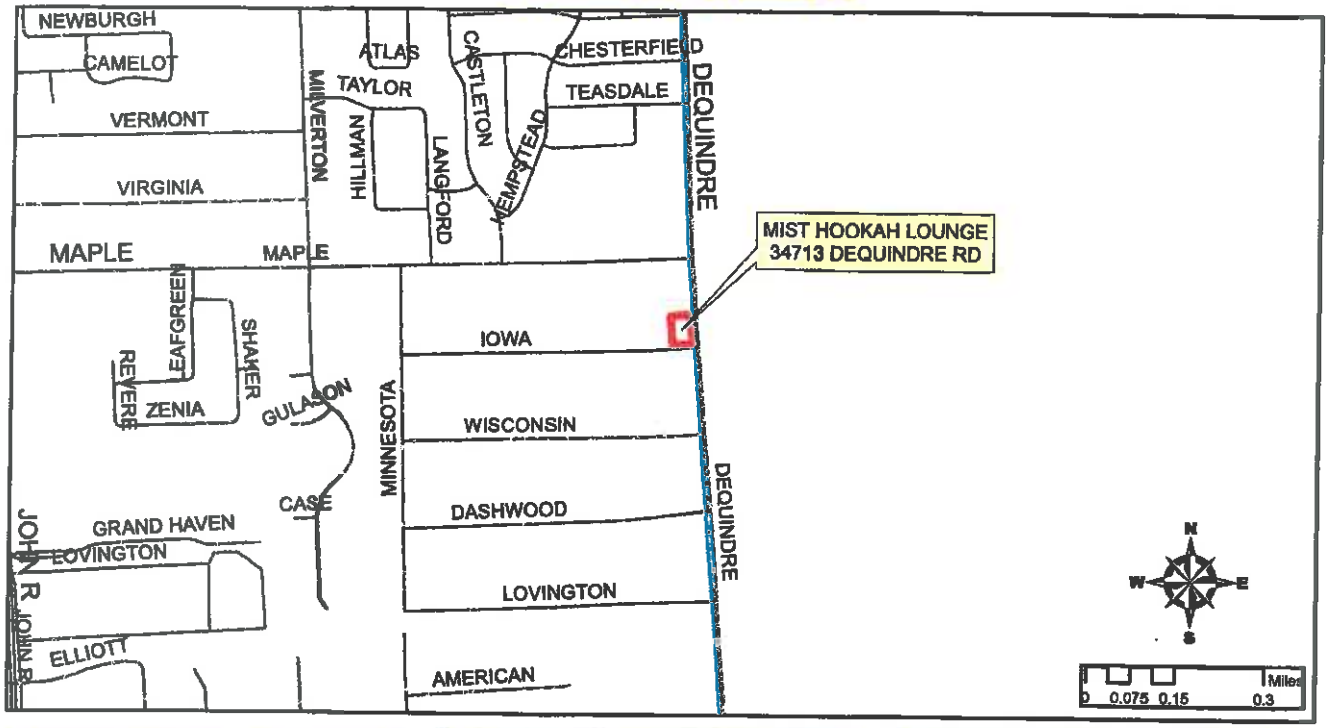
MIST HOOKAH LOUNGE

PRE CHAPTER 77 ORDINANCE CHANGE

11/13/2012 - 5/12/2013



MIST HOOKAH LOUNGE-
34713 DEQUINDRE RD
5-21-2013 (13-15584)
Copy of new ordinace was given to co-owner Brian Joseph Karjo
5-04-2013 (13-13476)
Custome Trouble
5-03-2013 (13-13340)
Marijuana Possess - Officers walking parking lot noticed car running occupied by four men - driver cited for marijuana and paraphernalia possession and released
4-27-2013 (13-12671)
Disorderly Conduct - two patrons were fighting and left before police arrival
4-12-2013 (13-11189)
Marijuana Possess- officers patrolling parking lots found occupied vehicle- driver cited and released
4-10-2013 (13-10948)
Suspicious Circumstancs - reports of under age patrons - no violations
4-01-2013 (13-09963)
Suspicious Vehicle - passengers just talking- no violations
3-27-2013 (13-09571)
Marijuana Possess- two individuals observered smoking marijuana inside vehicle - both cited and released
3-06-2013 (13-07138)
Parking Complaint- no violation
3-06-2013 (13-07135)
Nuisance Parking- citations issued
3-03-2013 (13-06776)
Larceny- purse stolen from patron while inside Mist

2-25-2013 (13-06128)
AB Simple - two patrons got into a fight inside Mist
2-25-2013 (13-06122)
Parking Complaint- Citation issued for illegally parking in Handicap space
2-25-2013 (13-06028)
Parking Complaint- citation issued
2-24-2013 (13-06021)
Property Damage Crash - citation issued
2-23-2013 (13-5933)
Open Container- person in parking lot drinking a 22 oz beer- cited and released
2-23-2013 (13-5925)
Suspicious Vehicle- no issues
2-23-2013 (13-5867)
Marijuana Possess- while officers were patrolling parking lot found occupied vehicle with three males smoking marijuana- passenger cited and released
2-23-2013 (13-5858)
Nuisances Ordinance- patron in car in Mist's parking lot was honking his horn at pedestrians in lot - cited for Noise Prohibited Horns and Signal Devices
2-22-2013 (13-5847)
Marijuana Possess- officers patrolling parking lot and found occupied vehicle with two people smoking marijuana and both were arrested
2-22-2013 (13-5836)
Suspicious Vehicle- no issues

2-21-2013 (13-5618)
Suspicious Person- no issues
2-19-2013 (13-5522)
Suspicious Person- no issues
2-18-2013 (13-5428)
Suspicous Circumstances- several customers came and went very quickly - no issues
2-16-2013 (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
1-19-2013 (13-2045)
Suspicious Circumstances- called in as fight inside Mist but all people involved had left before police arrived
12-28-2012
Mist's smoking license was approved by City

POLICE

City of Troy

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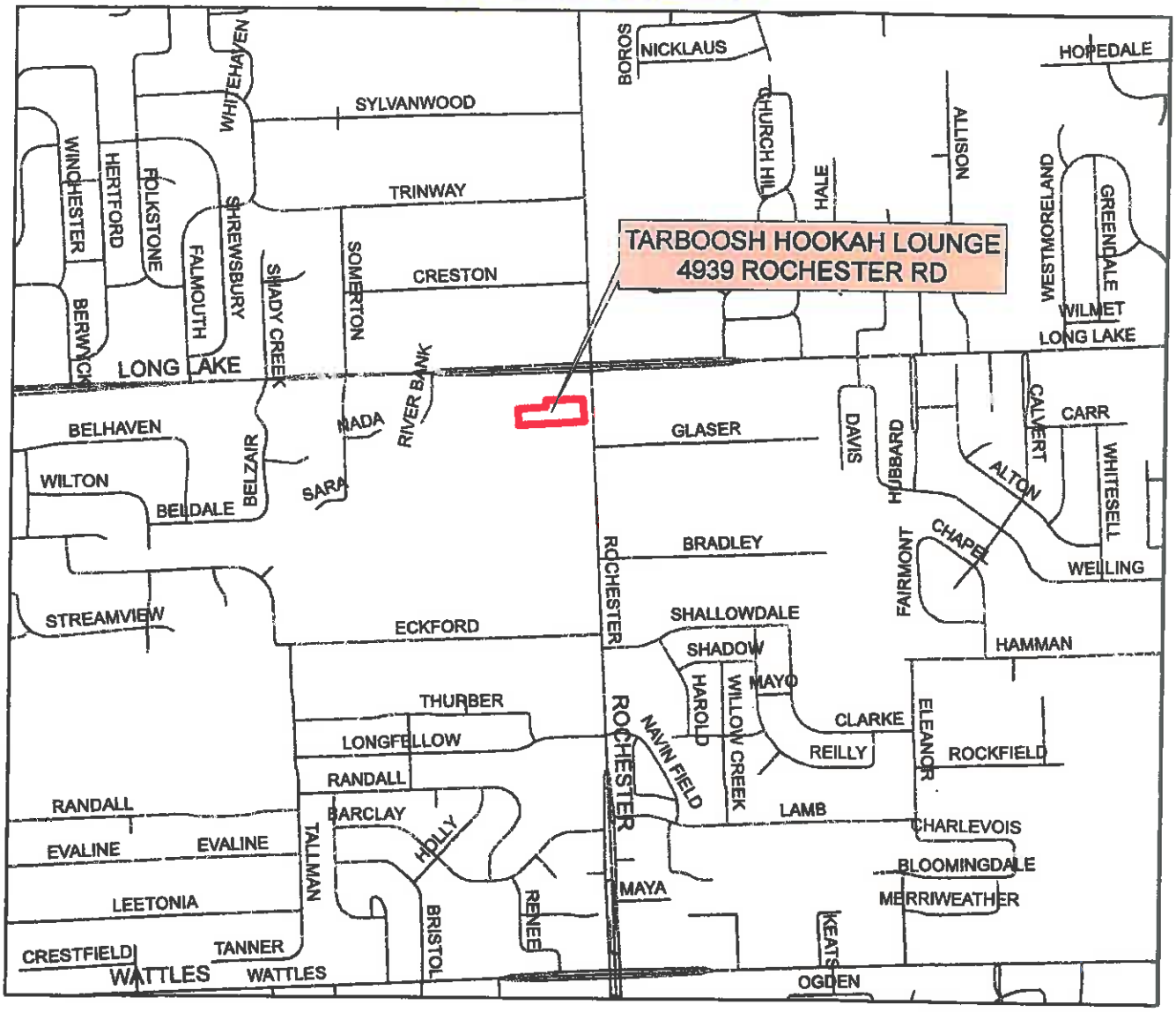
TARBOOSH HOOKAH LOUGE

PRE CHAPTER 77 ORDINANCE CHANGE

11/13/2012 - 5/12/2013



TARBOOSH HOOKAH LOUNGE
4939 ROCHESTER RD
5-21-2013 (13-16601)
Copy of new ordinance was given to owner Bashar Dimitry
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
3-23-2013 (13-09022)
Miscellaneous Public- received call about rude underage patrons inside Tarboosh - they were all gone before Police arrival
2-08-2013
Tarboosh's smoking license was approved by City

N W E S

0 0.075 0.15 0.3 Miles

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