



# Late Submittal - I-05

## CITY COUNCIL ACTION REPORT

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Date: November 10, 2014

To: Honorable Mayor and City Council

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

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

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### **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 decided to make no changes after reviewing the amendments to Chapter 77 after six months for compliance and effects of the enacted revisions.

Attached please 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.

### **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 an eye towards local media paints a resource draining picture of area hookah lounges.

- 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 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 is a direct correlation to a drop in the overall negative impact of the Hookah establishments which was previously seen in corresponding data. This was achieved through a combination of efforts put forth by the police department, the owners and management of the hookah establishments, and the amendments enacted by City Council on May 8, 2013.

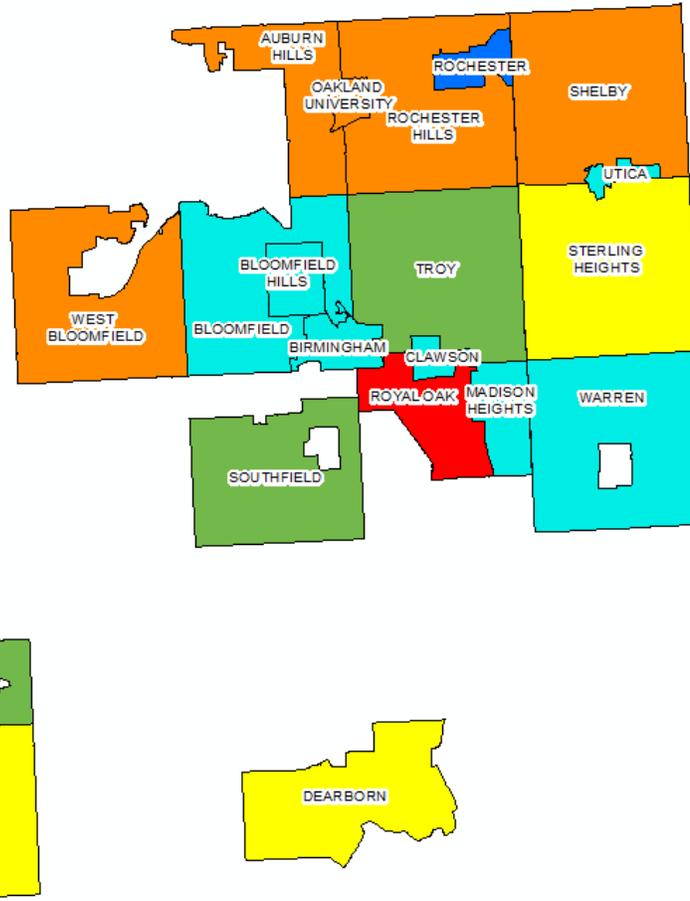
In review of the operation of the hookah lounge establishments within the city of Troy over the past year and a comparison of similar establishments in neighboring jurisdictions it is our recommendation that Chapter 77 remain status quo and no change is made to provide for additional hours of operation.

The effort of the hookah lounge ownership to extend hours of operations is no doubt 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 along with a robust licensing inspection program by the Police Department achieved the intended purpose. We recommend no modification of Chapter 77.

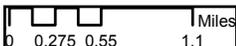
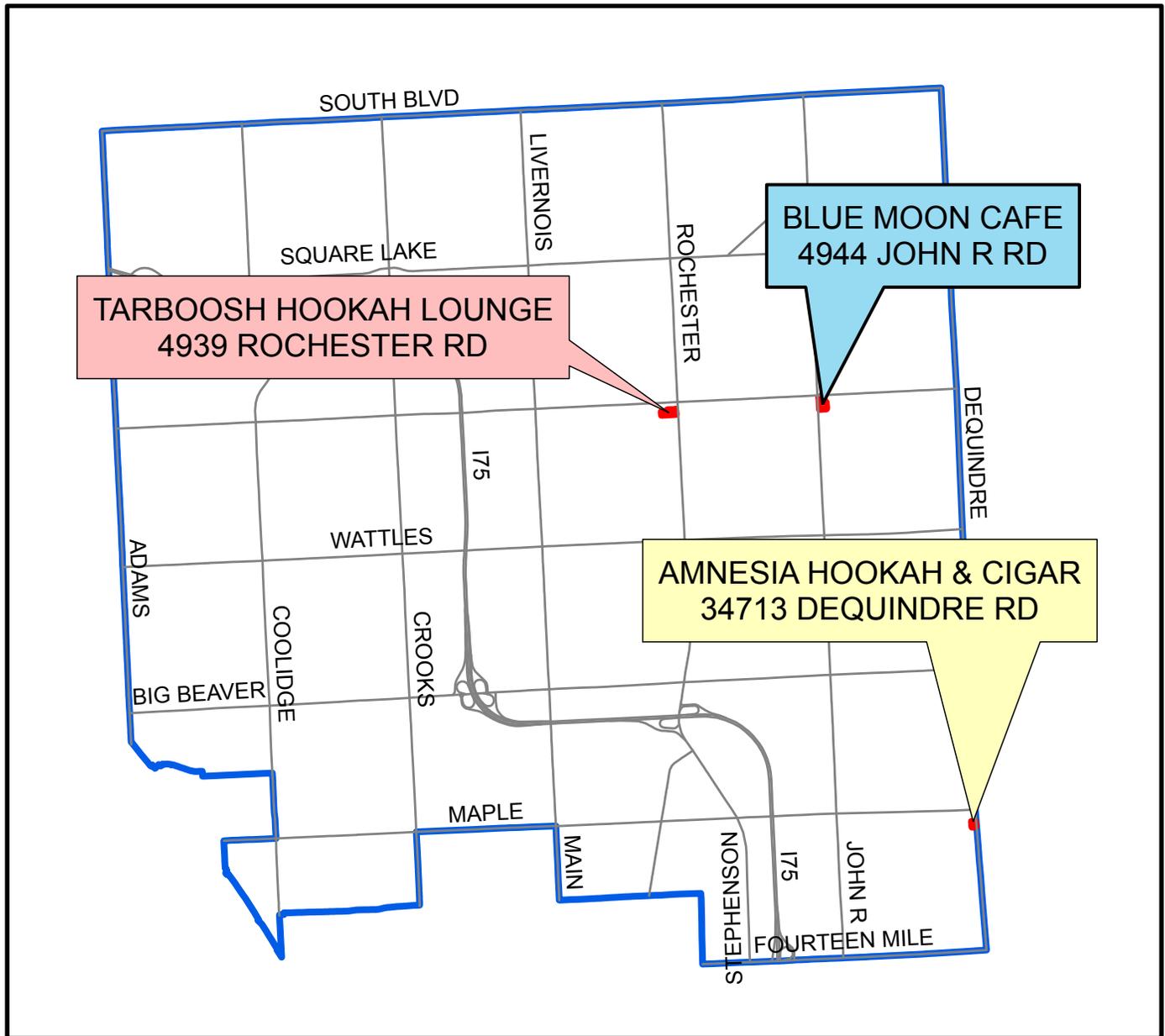
# Area Closing Times of Hookah Lounges



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

# CITY OF TROY HOOKAH LOUNGES

10/20/2013 - 10/20/2014



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

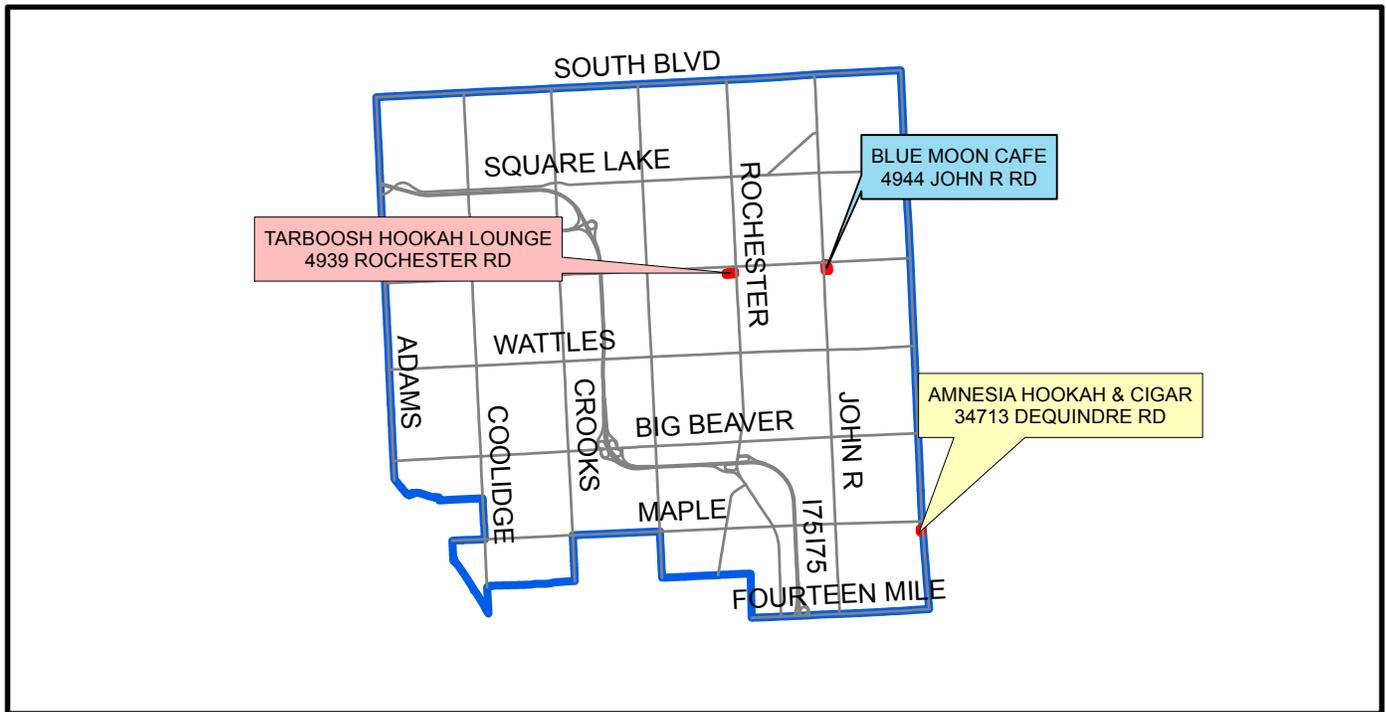
AMNESIA HOOKAH and CIGAR  
previously MIST HOOKAH LOUNGE-  
34713 DEQUINDRE RD  
6-27-2014  
Met with new owner who stated he is waiting on paperwork from state to change state permit into his name from the previous owner  
11-14-2013  
Copy of memo about council meeting delivered to Brian Karjo  
**11/11/2013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

# 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 (14-19346)  
**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  
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)**  
6-16-2013 (13-18786)  
Parking Complaint - Person issued citation for parking in handicapped spot without proper tag  
6/02/2013 (13-17094)  
Suspicious Vehicle - vehicle checked out clear  
5/29/2013 (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  
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 Jonathan 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 ordinance 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



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

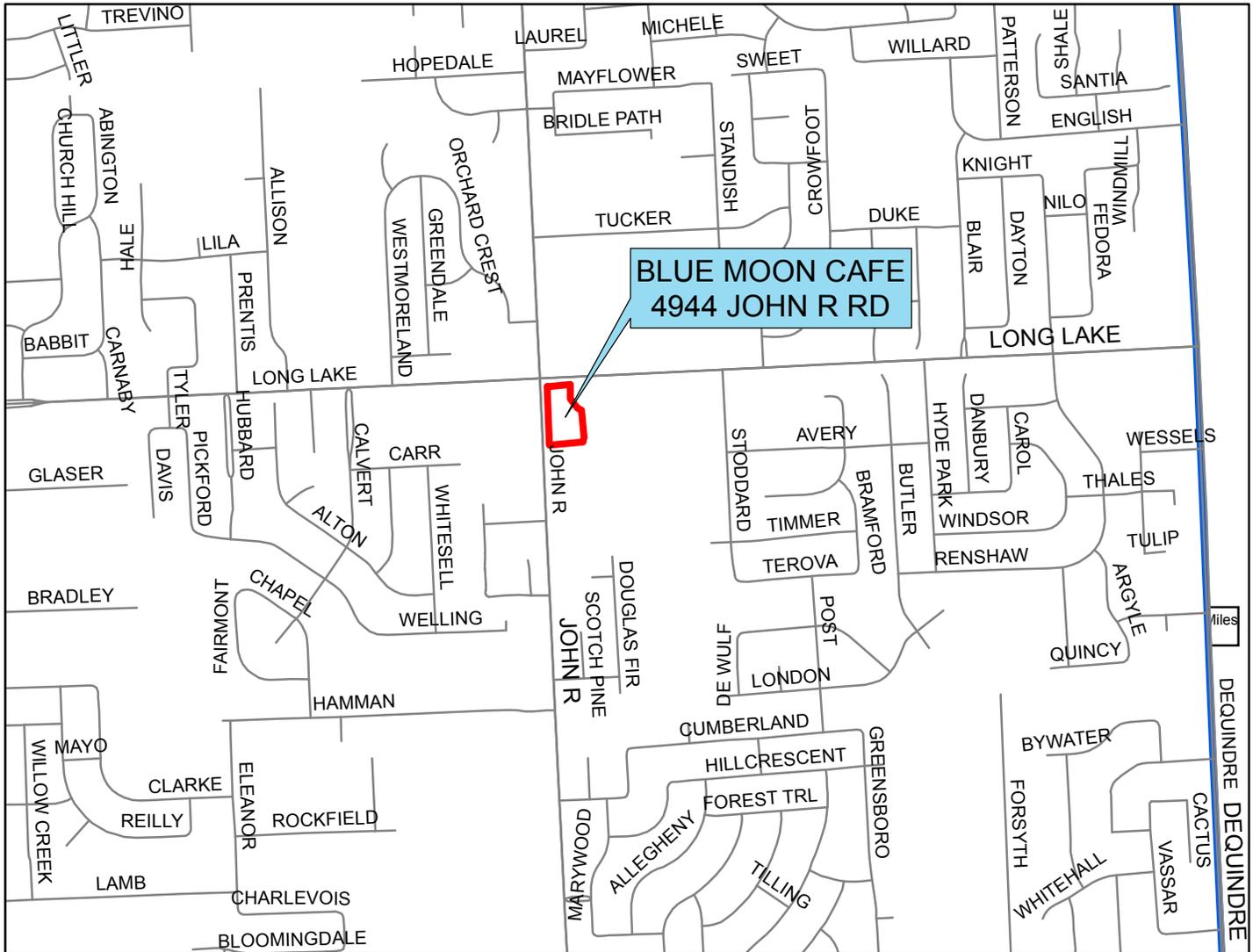
CREATED BY BENJAMIN NELMS, CRIME DATA ANALYST, CITY OF TROY POLICE DEPARTMENT

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\*\*White Room (1985 E Wattles) has state exemption, but has not applied for city license No Updates  
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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

**5-21-2013 (13-15598)**

Copy of new ordinance was given to owner

Jonathan Yacoub

**4-26-2013 (13-12554)**

Suspicious Vehicle- while patrolling parking lot

officers noticed car with windows fogged up

and found two patrons inside car

**3-16-2013 (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

**12-19-2012 (12-41618)**

Suspicious Person- person in vehicle

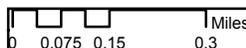
parked in Handicap space without permit

was cited for giving false info to officer

**6-12-2012**

Blue Moon's smoking license was

approved by City

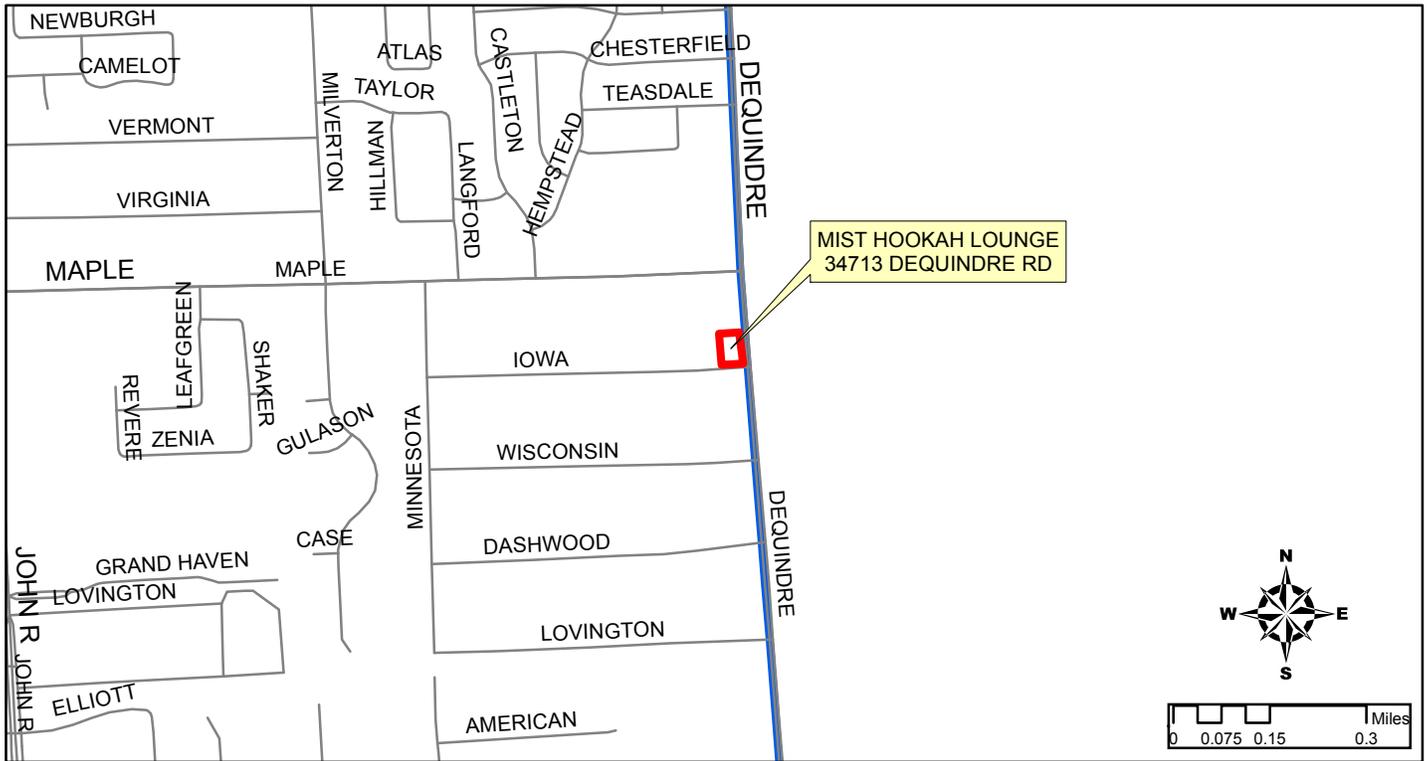


City of  
**Troy**

# 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 ordinance 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 Circumstances - 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 observed 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 (13-06775)**  
 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)**  
 Suspicious 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



