

Neighborhood/Community Affairs Committee Meeting  
November 19, 2012

**Discussion Of Establishing Parasailing Safety Standards.**

*Referred at September 12, 2012 Commission, Item C4A*

*(Requested by Commissioner Exposito)*

City Attorney's Office

**ITEM #11**



MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

## COMMITTEE MEMORANDUM

TO: Neighborhoods Community Affairs Committee

FROM: Jose Smith, City Attorney 

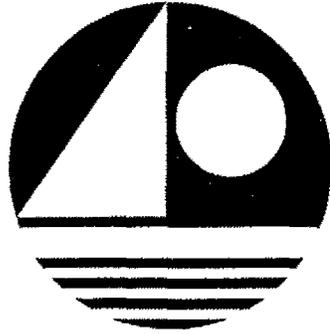
DATE: November 19, 2012

SUBJECT: Discussion of Establishing Parasailing Safety Standards

Pursuant to a referral by the City Commission, this matter was discussed at the Marine Authority Board meeting on October 9, 2012.

Pursuant to the attached minutes, the Marine Authority Board recommended that rules and regulations regarding parasailing should be established at the State level. We have been advised that one or more State legislators will introduce legislation during the spring 2013 legislative session to provide more comprehensive regulations for parasailing than those that currently exist under State law. At this time, however, no bills have been submitted.

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**CITY OF MIAMI BEACH**

**MARINE AUTHORITY**

**AGENDA & MINUTES**

**November 13<sup>th</sup>, 2012**

**9:00 AM**

**CITY MANAGER'S SMALL CONFERENCE ROOM  
1700 CONVENTION CENTER DR 4TH FLOOR**

concern. Anna Parekh and Administrator Carcasses will be researching who is the current owner of the submerged waters. Anna Parekh is also going to do a title search; both will have their findings for our next monthly meeting. The board asked for this discussion to be placed on the next meeting's agenda for November 13<sup>th</sup>, 2012.

**ACTION:** Motion made by Christopher Todd, followed by a 2<sup>nd</sup> motion by Dan Kipnis to table discussion till November's meeting. **(Vote: 5-0)**

### 3. A discussion in regards to Parasailing safety issues.

A discussion was made in regards to parasailing safety issues. Anna Parekh mentioned that Fire Chief Otero was not able to attend the meeting and this topic has not come up yet in the Neighborhoods Committee and has been deferred until the November meeting. She also mentioned issues that need to be clarified on how to control water sports activities on the beach channels. Anna Parekh also mentioned that the parasailing safety issue is regulated by Ocean Rescue. Steve Boucher mentioned several issues that are going on in regards to illegal vendors on the beach pertaining to safety issues. Mr. Boucher informed the board that there are businesses vending on the beach and taking customers on jet skis out to the waters these customers are then placed on the boats for parasailing past the buoys on the beach. Mr. Boucher also mentioned about an illegal parasailing vendor who operates behind the Alexander Hotel without a City of Miami Beach BTR, but may have a Dade County BTR and they also take their customers beyond the buoys at the beach to do parasailing. Mr. Boucher also informed the board about illegal vendors parking their jet skis in the channels of the beach and picking up customers after drinking at Wet Willies and transporting them in jet skis without life jackets, Wet Willies is located on Ocean Drive. He mentioned that he is concerned for the safety of the customers and the vendors operating illegally. Administrator Carcasses advised to all including Steve Boucher that when they see such an illegal vendor to call Code Compliance Department and initiate a complaint for an investigation. Code can conduct an undercover detail in order to catch the illegal vendors. Administrator Carcasses also mentioned that City of Miami Beach enforces ordinances on land, and once any violation is on the waters, it becomes a Marine Patrol issue. Administrator Carcasses also informed Mr. Boucher to get the FL# on the license plates and will send someone undercover to do an investigation. The board also suggested for Mr. Boucher or others to call the Police Department if he sees customers being picked up after drinking and being taken on jet skis without life jackets as that is a safety concern. Dan Brenenstein informed the board that his parasailing company gets the proper equipment inspections by manufacturers and attends Coast Guard meetings. Mr. Brenenstein informed the board that most parasailing accidents happen because of weather related incidents causing harness/lines to break. He mentioned that 20 MPH winds are the cut-off to stop Parasailing and also when there is a storm or lightning detected within a 6 mile radius from the location they immediately stop operating. Mr. Brenenstein mentioned that rules & regulations should be implemented in order to enforce safer parasailing and illegal parasailing vendors. Rules and regulations should be established at a state level, and then the City of Miami Beach should

enforce those rules and regulations implemented. The board asked for this discussion to be placed on the next meeting's agenda on November 13<sup>th</sup>, 2012.

**4. Approval for Captain Joe's Boat Rentals to Relocate from Eden Roc Hotel to Fontainebleau Hotel.**

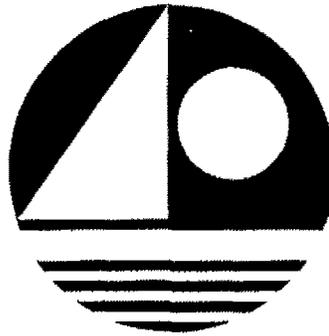
A discussion was made among the board members in regards to the request for approval for Captain Joe's Boat Rentals. Joaquin Ramirez is seeking approval to relocate from the Eden Roc Hotel to Fontainebleau Hotel with the same use of the current license. Mr. Ramirez informed us that his customer's book online and the customers arrive to use the boat rentals at the Fontainebleau location. Mr. Ramirez has applied for a new BTR for the new location and same use at the Fontainebleau Hotel. The board members don't see any issues with the relocation and mentioned that Captain Joe's has been around for 20 years and has had no problems. Mr. Ramirez also mentioned off topic, that a crocodile was seen swimming up the Indian Creek water way. Dan Kipnis mentioned that nobody can touch or deal with them as they are an endangered species and it is an arrestable offense. If a constituent sees a crocodile, they may contact the Police Department and/or Fire Rescue Department and they will shadow the crocodile and contact a crocodile trapper to deal with the crocodile.

**ACTION:** Motion made by Sasha Boulanger, followed by a 2<sup>nd</sup> motion by Antonio Maldonado to approve Captain Joe's Boat Rentals relocation from Eden Roc Hotel to the Fontainebleau Hotel. **(Vote: 5-0)**

**5. A discussion in regards to a creation of a No Wake Zone Ordinance.**

Representative Kirk Lofgren from Bercow Radell & Fernandez discussed the reason why there should be an ordinance for a No Wake Zone created. The representative gave the board members a map outlining the proposed "No Wake Zone locations". He stated the reasons why wakes are dangerous in certain zones for paddle boarders, boat ramps, and people launching their boats in the marinas. The representative stated that there is a sharp 90 degree turn in one of the zones, and boaters should be able to slow down to not create a wake for the safety of others. The representative is concerned someone could get hurt due to wakes created and also boats can get damaged; by creating a no wake zone, accidents and injuries can be avoided. Mickey Marrero, also a representative for Bercow Radell & Fernandez stated that, this issue was taken to the City Commission as a referral and was referred to the Marine Authority Board and Neighborhood committee. He mentioned that Neighborhood Committee discussed this topic 2 weeks prior to this meeting, and they unanimously recommended seeking approval for the no wake zone locations. The representative stated that there is evidence of damage at the Sunset Harbor Yacht Club location and they would like to expand the no wake zone to the end of the channel located on the map. All Appropriate State Departments and City Commission have approved for the creation of a No Wake Zone. Fish and Wild Life Committee is waiting for all approvals including CMB Marine Authority Board approval to proceed to next step. The board and the representatives agreed for boaters taking it down to idle speed around the No Wake Zones.

**ACTION:** Motion made by Antonio Maldonado, followed by a 2<sup>nd</sup> motion by Sasha



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