

*Text of remarks at Davidson/Mooresville public hearing Sept. 3, 2008*

I'm Chuck Renwick, and I live at Spinnaker Point in Davidson.

I thought you might be interested in a recent personal experience; and possibly, my opinions which are further strengthened by the nearly-tragic incident described as follows.

On Saturday, August 9 late afternoon, my wife, Marianne, and I were riding in our 12-foot jon boat powered by an electric motor when we were side-swiped and nearly capsized by a high-powered ski-boat, which was pulling a skier at or near full-speed on the Davidson-area southern portion of Lake Davidson.

There appeared to be 3 or 4 children and 2 or 3 adults aboard the ski boat, plus the skier, not one of whom apparently was watching the direction of their boat as it took a left turn from it's original course in the central channel of the lake, then sped directly toward our boat, as we headed toward the southeast shore in the general direction of the Ingersoll-Rand property.

Lake Davidson boaters are well aware of the fact that the drought over the past few years has created areas of very shallow water that didn't exist before the drought. The recent rains this summer have helped somewhat, but widespread shallow areas still remain.

As the ski boat bore down on us on a direct collision course, I encountered one of these shallow areas and my motor became stuck in the muddy bottom. I cut the motor and tried to paddle out of it, and then I frantically waved that canoe paddle in the air and screamed at the top of my lungs as the ski boat kept on speeding straight at us. It was the single most helpless and terrifying moment I have ever experienced.

At the last moment before impact, the ski boat swerved and side-swiped us. A cable or some piece of hardware at the stern of the ski boat cut across the stern of our jon boat about 4 or 5 inches from where I was sitting. We took on water and nearly capsized from the collision and the ensuing wake.

I'm sure we were no more than 3 or 4 seconds short of a tragic high-speed, full broadside collision, with the very real possibility of multiple fatalities or serious injuries to the occupants of both boats.

My wife and I both have nightmares about that moment, and even during the day as I work in my office at home, I glance out at the lake and still have visions of this heavy, speeding ski boat planing right over the top of our jon boat - with the very likely consequences that you can probably imagine almost as clearly as I can.

The boat that hit us is a blue and white Malibu high-speed ski boat owned by a resident of Davidson, whose public appearances, emails, as well as newspaper and website interviews with the Charlotte Observer have campaigned for an apparent dismissal of the zoning restrictions on the docking and launching of high-speed boats on the Davidson shoreline area of Lake Davidson that I understood were already in place.

The day of the accident, I reported the collision to Officer P.B. Lowry and Sgt. Ron Messer of the Davidson Police Dept. - and on the following Monday I spoke with Officer Voris of the North Carolina Wildlife Resources Commission. Sgt. Messer interviewed me and the ski boater - separately and in person - the day of the accident. He later reported that the man whose boat hit us had accepted full responsibility for the collision.

I was told that no citations were issued – and I was told by Officer Voris that citations could be issued only if witnessed first hand by a law enforcement officer, or after the fact if personal injury or damage in excess of \$2000 dollars resulted from the accident.

Even when culpability is clearly admitted, near-tragic experiences don't count, because law enforcement officers' hands are tied. They are apparently unable to hold *any* careless and negligent boat operator accountable *after* the fact.

I think it's significant that the ski boater said to me the day of the accident that he was sorry - but he didn't see my boat because he had these young girls to look after in his boat - later he said they may have blocked his vision.

But then he suggested that it was poor judgment on my part to operate my small electric-powered jon boat in an area where he was operating his ski boat. The message I got from this was that while he runs his ski boat in slalom fashion down this narrow central channel at the south end of  
(Continued..... )

Lake Davidson, those who are on that entire center section of the lake in canoes, kayaks, paddle boats, low-powered fishing boats – and even larger pontoon boats - need to understand that they share this southern portion of the lake with him at their own peril. He was certainly correct in that assertion on that day – and the fact is, he put himself and his own passengers in great peril as well.

I also had a later phone conversation with this ski boater at his request, as relayed to me by Sgt. Messer. He offered his apologies again, but continued his position that no laws, regulations or zoning ordinances are being disobeyed by high-speed operation on Lake Davidson. I asked him why he didn't operate his boat on the 32,000-plus acres of Lake Norman, which is much better suited for water-skiing and jet skiing, and his response was that "it's just too crowded over there."

Imagine, then, what the 341-acre Lake Davidson will become without restrictions on boats and personal water craft built for high speed water sports. And let's be clear that this collision took place in the east-central section of the lake near a Davidson shoreline; *not* in the ski zone alongside I-77.

Property development is going to continue around Lake Davidson. This is as inevitable as the sun rising in the east. We believe our property values are enhanced by the unique calm, quiet and pristine waters of Lake Davidson. I've been told as much by residents and real estate professionals as well.

The most important measure of value is set by the law of supply and demand. There is plenty of space for high speed boating in this area - on Lake Norman, Lake Wylie and Mountain Island Lake. And I've heard that water-skiing lessons are offered by the YMCA Camp on Lake Cornelius.

The perception of Lake Davidson is that of a unique safe, quiet, clean body of water where relaxed, environmentally-friendly boating can be fully enjoyed at any time.

Those qualities are slipping away from us very fast, and if some well-defined restrictions limiting the types of boats and activities that can operate on Lake Davidson are not clearly defined and (continued..... )

consistently enforced, then we'll be living around a 1% scale micro-model of Lake Norman with ski boats and jet skis buzzing around at 20-40 miles an hour or more - making *all* boating of *any* kind on *this* small, narrow body of water a very risky pastime.

That is not what I believe the great majority of our lakeside residents and neighbors invested in, nor is it what I believe most of us want for the future of Lake Davidson.

**Final thoughts:** to those who look out on Lake Davidson and see few boats on the water at any given moment – and may conclude therefore, that we really don't have a problem – please consider these 3 things:

1) I have often observed kayaks and canoes head for the shore when ski boats and/or jet skis first begin their high speed runs up and down the center portion of the south end of the lake, away from the I-77 ski boat zone. Many passive boaters understand the danger of sharing the lake with high powered speed boats and will curtail their use of the lake accordingly.

2) On August 9, when our jon boat was struck by the ski boat, there were only three boats on the water south of the island; our electric-powered jon boat, one ski boat running alongside I-77 and the ski boat that hit us. Even on an un-crowded small lake, it only took one inattentive ski boat operator to cause a near calamitous collision.

3) Research will show that many small lakes throughout North Carolina have implemented and continue to vigorously enforce HP limits and boat activity controls. If a serious accident occurs involving a high speed boat on Lake Davidson causing major damage and/or critical injury or fatality, will the Town of Davidson be held legally liable for its non-enforcement of a long-standing zoning ordinance prohibiting the launch or docking of boats exceeding 10 HP? Who else shares this liability?

Chuck Renwick - 860 Jetton St., Unit 61 - Davidson, NC 28036

704.895.5483 – chuckrenwick@gmail.com