



Brevard County
Environmentally Endangered Lands Program
Windover Archaeological Site Public Meeting
Minutes
July 30, 2009

Mike Knight, Environmentally Endangered Lands (EEL) Program Manager, welcomed the group at 6:31 PM and thanked everyone for attending. Approximately 30 people were in attendance at the meeting. Mike explained that the purpose of the meeting was to review the Windover Archaeological Site history, provide an update on the current site status, which he hoped would correct possible misconceptions regarding recent events, and to document citizen feedback or concerns so the information could be provided to the Board of County Commissioners and the State of Florida as they make their decisions regarding the possible State acquisition and EEL Program management of the Windover Archaeological Site (8BR246) in Titusville.

Mike also stated that **Dr. Rachel Wentz**, from the Florida Public Archaeology Network, would be providing historical information on the Windover site and there would be an opportunity for questions and public comment.

Mike introduced Dr. Wentz who explained that she has spent the last 8 years researching human remains from the Windover Site, and that while attending Florida State University; she was a student of Dr. Glen Doran, who was the lead archaeologist of the Project. She also stated that her master's thesis and dissertation were focused on the Windover Archeological Site.

Rachel provided overview information on the Windover Site History:

- In the early 1980's construction workers discovered the site during construction of a housing project.
- The site is a mortuary pond which was used by ancient civilizations approximately 7,000 years ago.
- Archaeological excavation produced the well-preserved remains of 168 individuals who were buried there, along with samples of fine woven textiles, and samples of wood and bone which may have been used as tools.
- It is unlikely that there will be any further excavations of the burial pond as a result of the 1990 *Native American Graves Protection and Repatriation Act*.
- The Windover Site is one of the most important archaeological sites in North America.
 - 91 of the crania contained brain matter.
 - One of the best preserved skeletal populations in North America.
 - One of the largest collections of ancient hand woven textiles in North America.
 - Mortuary ponds of this type are only found in Florida. There are only five of these ponds and they all came from the Archaic Period, about 3,000 – 9,000 years ago.
 - Unique part of Florida and North American archaeology.
 - Site is important world-wide.

Mike gave a short presentation. Highlights included:

- Donation of the Windover Site to the Preservation and Education Trust, Inc. (PET) by Jim Swann, the developer, as a tax write-off.
- PET has indicated this was a non-conditional donation, with sale of the property to another entity as an option.
- It is anticipated that the four lots adjacent to the site were included as part of the donation in an effort to help protect it.

- PET does not have resources to manage the site.
- PET previously approached the EEL Program to determine if the site could be acquired by the EEL Program. It was determined that this would not be possible.
- PET is pursuing sale of the Windover Site to the State of Florida for public preservation in perpetuity, and to raise funds for the preservation of an historic structure in Rockledge.
- If the site is acquired by the State, a site manager must be designated prior to acquisition.
- The EEL Program Selection and Management Committee is supportive of having the Program as the managing entity.
- The County Commission will make a determination on whether or not the EEL Program should accept management of the site on August 18, 2009.
- The Board of Trustees (Governor and Cabinet) of the State's Internal Improvement Trust Fund will review possible acquisition of the Windover Archaeology Site on August 19, 2009.
- PET has coordinated guided tours of the site through a cooperative effort with the Brevard Museum of History and Natural Science, in the past.
- There is currently some occasional, unsupervised, public use of the site.
- Parking currently occurs along the right-of-way.
- There is an established trail on the site which is used periodically by residents and small tours.
- State ownership would require some level of public use.
- It is possible that the level of public use might be limited to supervised tours only, which would be very small.
- It is possible that parking could be gated, and very limited.
- The EEL Program is not advocating for extensive public use of the Windover Site.
- Perpetual protection of the site is the primary focus.
- The EEL Program was established by public referendum in 1990 and funding is provided for Program operations by voter approved ad valorem tax. The Program was extended in 2004 by a second referendum.
- EEL Program Mission: *Protecting and preserving biological diversity through responsible stewardship of Brevard County's natural resources.*
- The site is being considered as a Category 2 or 3 site. Final determination will be made during the Management Plan process, if the site is acquired by the State.
- If the County Commissioners determine that the EEL Program should accept management of this site, the primary focus will be to maintain the site in a natural state.
- Known community concerns include: increased traffic, concern that a parking area could become a hangout spot, access to neighbor's properties, disturbance of archaeological site, possible negative impact on nearby property values, perception of the selling of donated property.
- It is anticipated there will be greater supervision of the site if it can be managed by a formal manager.

Mike asked if any members of the group had questions, or would like to make public comment.

Frank Woods

Windover resident. Has constructed fence to deter visitors from his property. Has experienced issues with previous visitors. Concerns include: possible future trespass issues, potential impact to value of home, and possibility of imminent domain action at a future date.

Additional Information

Mike provided clarification that the EEL Program does not use imminent domain proceedings under any circumstances.

Sandra Clinger

Has been a resident since the time of the excavation. Stated it was her perception that everyone was in agreement that the Windover site needed to be protected. Provided information regarding: Existing Problems Already Experienced, Additional Concerns, and Suggestions Regarding Proposed Management for Site. Details of her comments are provided in a document which is included as an attachment to these minutes.

Additional Information

Mike provided clarification that the suggestions regarding proposed management that Sandra had expressed in the last part of her comments were generally what is being proposed for the site, and that the bird-watching platform idea was not a requirement, if the State does acquire the site and the EEL Program becomes the managing entity.

Greg Jones

Not a Windover resident. Works for Brevard County Natural Resources, and is associated with the Indian River Anthropological Society. Understands concerns of neighbors, especially related to trespass and privacy issues. Supportive of limited, dawn to dusk, guided tours. No facilities. Enforce no parking allowed after dusk. Suggests consideration of using right of way for parking instead of paved parking area.

Edward Turner

Windover resident. Supportive of limited public access. Concerns regarding traffic safety and vehicles currently speeding in the area. Not supportive of parking on the right-of-way. Parking must be off the road. Suggests re-evaluation of speed limit if site becomes public. Neighbors express concerns regarding possible changes to future water table in the area in the event there are ever future excavations.

Additional information

Rachel provided additional information on the *American Graves Protection and Repatriation Act*.

Mike provided information on the additional opportunities for public involvement and comment that will be available during the Management Plan process, if the site is acquired.

Richard Price

Windover resident. Has visited site. Trail is short, maintained and adequate. Area is quiet and peaceful, but there is not much to see. Feels there is sufficient room for parking on right-of-way when land is dry, but not during the wet season. Suggests visiting the Enchanted Forest for an easier nature walk.

Pat D. Nicola

Windover resident. Supportive of comments made by Sandra Clinger. Stated Mr. and Mrs. Snodgrass who are also residents, and who could not attend the meeting, have written a letter to Mike, and they oppose any development of the site because of problems they have had in the past. The letter is attached to these minutes. Expressed her pleasure in seeing everyone who came out to the meeting. Also spoke of concern for wildlife in the area if the site was acquired, and stated she was not supportive of the idea of a birding platform because it would have impact on neighborhood privacy.

Additional Information

Mike mentioned there are no plans to develop the site. He confirmed the platform was not a requirement in the proposal and that EEL Program staff recognizes and understands citizen's concerns regarding the platform.

Frank expressed concern regarding possible impact to rare wildlife in the event there was additional public access.

Mike explained that it would be contrary to the mission of the Program for EEL Program staff to do anything that would be harmful to native wildlife in the area.

Mike McBee

Family members are Windover residents. Grateful site has been preserved and the developer had foresight to preserve it. Asked for clarification regarding why the PET wanted to sell the land at this particular time. Agrees with almost all of the suggestions made by Sandra Clinger. Site should remain as unobtrusive as possible, with limited access by guided tour only, and requiring reservations. Supportive of small driveway or off road parking area, open during daylight hours only.

Additional Information

Mike stated it was his understanding that restoration of the H.S. Williams House in Rockledge was the primary focus of PET and budget issues were the driving force in the timing of the Windover site being offered for sale.

John Hollinger

Windover resident. Serves on Board of Directors for Windover Farms Homeowners Association. Homeowners Association concerns: regarding deed restrictions - lots are restricted to single family homes, dues of \$75 per year, have not been paid for many years, and which will require some resolution. Neighborhood has current issues with vandalism. Expressed concern regarding the possibility of additional public use. Resident concerns: valuable archaeology site, leave it undisturbed. Leave it unmarked. Some access possible, with tight control. Daylight hours only. Familiar with practices in Miami and glad the site is protected.

Curt Whitman

Long time Windover resident. Public access to site has decreased over the years. Feels there is currently not much activity on the site at this time, and if there isn't a lot of advertisement, traffic will not be a big concern. Agrees speeding in the area is a problem.

Additional Information

Rachel explained that the Windover lecture is probably the most popular lecture that she does, and when people ask her about visiting the site, she tells them that it is a mucky pond in a natural area and there really isn't much to see there. Suggests they visit the display at the Brevard Museum. She stated that it appeared that some folks might have the perception that if the EEL Program accepts management for the site, it could turn in to a hot spot for tourism. She explained that having an organization like the EEL Program managing the site would provide for more security than the site has now and it would allow the few people who want to see the site, receive guidance on how to visit it properly, without parking on neighbor's lawn or damaging their property.

Roz Foster

Not a Windover resident. Associated with North Brevard Heritage Foundation. Important site, should be preserved and not made into tourist attraction. Historic sites are OK to visit, but archaeological sites should not be exploited or have attention brought to them. Parking and signage would call attention to site. Suggests no fencing. Important to adhere to property rights. If public access is required by Florida Forever it should be extremely limited by guided tour and available by appointment only. People should visit museum for general information. Liability issues may exist regarding activity in natural area. Feels property should be donated to State because it was received as a donation, but understands the reason it is being sold and is concerned that if it is not acquired by the State, the surrounding lots could be sold for development, which would endanger the Windover site. Feels all 5 lots should stay together and not sold off individually. Do not develop into a park.

Additional information

Mike confirmed all EEL Program sites are covered under the same liability coverage and it is anticipated management of the site could be done using existing staff. He stated it was his understanding that the PET had no intention of separating the lots and selling them individually.

Mike introduced **Vickie Larson**.

Vickie stated that she was a resident of Merritt Island, and also a citizen representative on the Florida Forever Acquisition and Restoration (ARC) Council, and that she was an integral part of accepting the site to our Florida Forever Program. She informed the group that the Council has had quite a bit of discussion over many of the issues that the citizens had discussed during the meeting and that she wanted to commend the EEL Program for stepping up to the plate as manager for this site. She added that it would not have been possible for the site to be considered for acquisition without a managing entity.

Vickie confirmed that public access was a requirement of the Council, but it was her belief that the management plan for the property can be developed in a way that is respectful and responsible to the citizens of the Windover community. She added that she wanted to bring to everyone's attention that if the site has restricted access, the restrictive access will be to the entire public, which will also restrict residents or neighbors from going on to the site for a morning or evening stroll or other activity they may have done in the past and that this was an important consideration. She said that as Rachel had mentioned, she did not anticipate a lot of changes occurring with change of ownership of the property, other than the guarantee that it would be preserved in perpetuity.

Vickie added that she was in full support of the EEL Program having the capability to manage all of the issues that were presented at the meeting. She also stated that in her opinion, as an individual, not as a member of the ARC Council, she did not see the personal need to provide enhancements such as boardwalks or things like that, and that leaving the property in its natural state provides an atmosphere as close to the era which it represents, as possible. She mentioned that she felt the area was beautiful, with magnificent oaks and many other resources that are visible, in addition to those we cannot see, even though the site is small.

Vickie stated that the site is proposed for acquisition strictly for the purpose of preserving the archeological resources and that it was not a consideration for conservation of biological resources, which enabled the ARC Council to move forward when the EEL Program's science committee wasn't able to, because it really did not fit the Program's criteria.

Vickie thanked everyone very much for attending the meeting. She stated that the public process is important and that Mike, EEL Program staff, the Board, and the State needed public input. She added that if the Management Plan does not meet citizen representation, citizens should contact her or other members of the Council to assist in addressing their needs and that the ARC Council would review the final management plan. She also added that she wanted to emphasize, that in no way did the Council move the Windover site forward for acquisition to impede on the community that exists there and that everyone was grateful that the site was preserved by Jim Swann during the development process so that it could be preserved.

Additional information

Members of the audience expressed their appreciation for Vickie's words.

Mike explained that staff would be creating an e-mail distribution list for anyone who wanted to be kept current on events regarding the Windover site.

Ken Estes

Windover resident. Expressed concern regarding possible increased activity if the Windover site became part of the annual Birding and Wildlife Festival which receives thousands of visitors, as well as concerns regarding a possible increase in vandalism if the site receives a large number of

additional visitors and only has site checks on a weekly basis. He also mentioned that the vegetation on the side of the road, which is supposed to be maintained by the County, is rarely mowed and is currently overgrown. Requested clarification if City of Titusville could take over the site by bringing it into the City boundary. Concerns signage could increase traffic which could have many negative effects on the neighborhood.

Additional information

Rachel mentioned that if there was no platform, there will be no birders, and that it was her understanding that there is no definitive plan to put a platform on the Windover site.

Mike confirmed he would not be recommending a birding observation platform and that staff would be making every effort to ensure that citizen's concerns regarding the platform were acknowledged and understood.

Barbara Hoelscher

Windover resident. Coordinator of Space Coast Birding and Wildlife Festival, along with Neta Harris and Laurilee Thompson. Can provide confirmation there will be no Birding and Wildlife Festival activities at the Windover Archaeological Site.

Additional Discussion

Mike confirmed that the final Category determination for the Windover site will be determined as part of the development of the management plan, but it will be his recommendation that the site be considered Category 3, which has the least amount of activity, unless the site is determined to allow unsupervised access, which fits better with Category 2. He also explained that EEL Program staff generated the Agenda Report dated July 21, 2009, but based on information being received from the community, some of the items mentioned in that Agenda Report, and also included in the revised Report which is being submitted for the August 18, 2009 meeting, will not be included in the plans for the site and that additional opportunities for citizen input will be provided during the management plan development process, which can take about a year. Staff will be recommending the guided tour option only.

Mike introduced **Carol Pope**, President of Preservation and Education Trust, Inc.

Carol explained that the PET currently holds the title to the Windover Site property and that it had been received as a donation in 2001. She stated that she wanted to let folks know that the birding platform idea had come from the Trust, because of all the birds that had been seen by members on one of the site visits to the location, but that she now understands the reason why some citizen's have expressed concern with the idea due to privacy issues. She explained that PET is offering the property for sale to the State at this time, in an effort to have it come under the ownership of an agency that will protect it, and be sensitive to the concerns of the surrounding community, and also due to budgetary issues in their organization. She commented that the building that will be renovated with the funding that could be received from the State belongs to Brevard County, so the money will be coming back to this county.

Carol stated that it is her understanding that the same restrictions that apply to all lots in the Windover development are the only restrictions on the 4 lots adjacent to the pond site, and that when the property was received as a donation from Jim Swann, he had stated in a verbal agreement, that if their organization was not able to manage the site, they would be able to sell it. She added that it has been their intent to try to keep the entire location intact in an effort to protect the pond area, and that citizens have an opportunity to ensure that the location comes under the management of an organization which is capable of doing whatever needed to be done to ensure that the site is protected and citizen's concerns are addressed. Carol stated she believes the EEL Program would make an excellent manager for the Windover Archaeological Site.

Several members of the audience indicated they appreciated the opportunity to ask questions and receive clarification regarding plans for the Windover Site.

A few additional clarifications were provided in response to general questions received during the meeting:

- There have not been any school groups who have visited the Windover site, nor are any plans for this type tour to be offered in the future. School groups who have questions regarding the site are referred to the Brevard Museum.
- Several citizens reiterated their support for the comments by Sandra Clinger.
- Summary minutes will be prepared for this meeting. These minutes will be e-mailed to anyone who attended the meeting that would like to receive a copy of the information, and the minutes will be placed on the EEL Program's web site.
- Dr. Glen Doran will be doing a presentation in Cocoa Village at 2:00 PM on Saturday, if anyone is interested in attending the lecture or in meeting Dr. Doran.
- There is no back-up manager in line to assume management responsibility if the Board of County Commissioners does not give approval for the EEL Program to manage the site.
- If the Board does approve that the EEL Program should manage the Windover site if it can be acquired by the State, the proposal will be forwarded to the Governor and Cabinet for their consideration of using emergency funding for this acquisition on August 19th. If the Board does not approve, the item will be pulled from the Governor and Cabinet's agenda for the 19th, with the knowledge that it might, or might not, be put back on the list in December, 2009, or June 2010, but it will not be put back on the ARC list without a managing entity and the owner is free to consider other options in the meantime.
- Citizens who wish to make their feelings on this topic known to the Board can contact Commissioners via the County's web site at <http://www.brevardcounty.us>.

The meeting was adjourned at 8:40 PM.

Attachments:

Comments from Sandra Clinger
Comments from David and Susan Snodgrass

Sandra Clinger
2680 Bobcat Trail
Titusville FL 32780

Existing Problems Community already experienced

- Site visitors parking in driveways/yards
- Site visitors walking around in driveways or yards or knocking on doors asking for information/direction
- Site visitors climbing over driveway gates in adjacent yards
- Site Visitors parking in ROW on inside of curve safety issue making visibility difficult for drivers

Additional Concerns

- Maintaining integrity and continuity of our residential community
- Maintaining our covenants and deed restrictions
- Protection of the archaeological artifacts and integrity of this site. The site is currently unfenced open to public access and possible vandalism, however the specific address of the site is not advertised which is currently helping protect it
- Increased traffic/people/access issues negatively affecting the neighborhood
- Having the site identified on a map increasing risk of vandalism
- Observation platforms, boardwalks, etc and negative impact on privacy– ie having people with binoculars in your back yard
- Selling land already donated for protection to state at taxpayers expense and potential to taint land acquisition programs with the public

Proposed Management for Site

- Leave site undeveloped to preserve its archaeological integrity.
- Do not include site address on any maps, graphs, or any other literature or information
- Mark site boundary in a manner that is aesthetically pleasing and unobtrusive in keeping with the Windover Farms covenants and deed restrictions. If needed include a driveway gate
- Ideally this site should not be open to public access – its value is as an archeological site with priceless artifacts still in place that could be damaged or lost forever. If **limited** public access has to be allowed it should be
 - Only be for educational/scientific purposes
 - Only with a permit issued by EELS for access
 - Only with an EELs staff person present at all times during any site visit
 - to ensure no archeological artifacts are impacted (except obviously for future archeological exploration of the site)
 - all site visitors and their vehicles are kept on the site
 - adjacent homeowners are not impacted
 - this would provide accountability if problems occur in the future

From: "Susan M. Snodgrass" <susan@findsms.com>
Subject: **Windover Archaeological Site and National Landmark**
Date: July 29, 2009 9:03:38 AM EDT
To: <mike.knight@brevardparks.com>
Cc: <kennybroadbent@peoplestring.com>, <wfboard@windoverfarms.org>

Due to other matters, we will be unable to attend the public meeting, but we would like to enter the following into the public record:

Dear Sir:

This letter will serve as written notice to our very strong objection to the proposed misuse of residential property in the Windover Farms Sub-Division in Titusville, Florida. We believe the proposal to convert 4 parcels (aka Windover Archaeological Site and National Landmark) from single family residential to public-use land will disrupt the neighborhood, reduce property values, violate homeowner covenants and cause potential traffic dangers. It should not be allowed.

Windover Farms is a residential community with all of its lots zoned for single family homes. At his discretion, Jim Swann donated the lots to the Preservation and Education Trust, Inc. to keep intact an archeological dig that took place in the 1982. Regardless of who owns the properties, they are still zoned as residential and can not be allowed to be changed to public-use land. The road at these particular properties is very curvy and would not be safe for the increase in traffic public-use could bring. Residents purchased property in Windover Farms for its quiet neighborhoods and private one plus acres lots. The disruption to the neighborhood in terms of additional traffic, both vehicle and pedestrian and its resulting noise and pollution is unacceptable. Possible loss in property values as a result will not be tolerated.

There has been mention of constructing a nature trail and a bird watching platform at the site. Titusville has numerous parks and trails for that purpose. The addition of a park at this location will not provide access to any new wildlife that cannot also be observed at the other sites, one of which is only 8 minutes away, the Enchanted Forest on Highway 405.

We are opposed to converting residential property at the whim of a Preservation Society to public-use land so that they can make an enormous profit by selling properties to the state for hundreds of thousands of dollars that were donated to them by Jim Swan. Such a purchase benefits only the Trust and is not an appropriate, necessary or beneficial use of public funds and is not how we want our taxes wasted.

We further expect the Windover Farms Homeowners Association to vigorously enforce all covenants that are imposed on the four lots and not allow any other use of the lots except for single family residential use as originally deeded.

Sincerely,

David R. Snodgrass
Susan M. Snodgrass
Lot #560
8030 Windover Way
Titusville, FL 32780
321-383-1035

cc: Kenney Broadbent, WFOA

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