



## AGENDA

Fort Smith Parks and Recreation Commission  
Regular Meeting, Wednesday, December 12, 2018  
12:00pm Creekmore Community Center

### Items of Business:

1. Discuss Tree Ordinance as Related to Parks
2. Project Updates
3. Public Comments
4. Commission and Staff Comments

City of Fort Smith  
Parks and Recreation Commission  
Minutes of Meeting  
November 14, 2018

The Parks and Recreation Commission met at noon on Wednesday, November 14, 2018 at the Creekmore Community Center

Park Commission members present: Chris Raible, Lacey Jennen, Madeline Marquette, Susan Pruitt, Jim Rowland, Nancy Raney, and Casey Millspaugh (arrived at 12:15pm).

Park Commission members absent: None.

Staff members present: Jeff Dingman, Doug Reinert, Sara Deuster, Jim Mackey, Amber Plank, and Linda Woodruff.

Others: Bobby Aldridge, David Harris, Ian Bullock, Teresa Hesselberth, Jady Watson -Fisher, Keley Simpson, Roberto Lopez, Oscar Morales, and Paula Linder.

Vice-Chairman Marquette called the meeting to order at 12:01p.m. Raney made a motion to approve the minutes as written. The motion was seconded by Rowland and unanimously approved (Millspaugh absent at time of vote).

**1. Fees for Creekmore Park Pool**

Ian Bullock, who served as the Creekmore Pool Manager this summer, was present to provide an overview of the presentation he gave during the October meeting. He noted the increase in minimum wage did pass and this would impact the pool's personnel costs. Raible asked about the revenue to cost ratio for the operation of the pool. Reinert noted the pool revenue offsets some of the costs, but it is not enough to break even. This is typically standard for a public pool because its purpose is to provide an affordable service to all citizens. Raible noted he had ran some numbers regarding different scenarios for admission. He stated a flat fee of \$2.50 would bring in an additional \$20,000 in annual revenue and would still fall under the average local pool admission. Bullock noted it would be more efficient to keep admission even dollars and not have change.

Marquette made a motion to recommend the fees be changed as presented by Bullock. The motion was seconded by Rowland Raney recommended to add that the department would gather data regarding the age of patrons. Deuster noted it would not be feasible to track the age for every single patron given the number of people and equipment used. Raible stated he thinks the age of an adult is too high and should be lowered. Jennen and Raney agreed with this statement. Following this discussion the motion was voted down.

Marquette made a motion to recommend a child be considered ages 3-12 and be charged a \$2.00 admission fee, and adults be considered 13 and older and be charged a \$3.00 admission fee. The motion was seconded by Rowland and unanimously approved.

## **2. Riverfront Drive Skate and Bike Park Rental**

Reinert went over the memos and information provided in the agenda. Millspaugh asked how the information provided was different than what it currently is. Deuster stated the rental of the skate park for large events has been added. Millspaugh asked Bobby Aldridge, who was present in the audience, if he foresaw for-profit organizations wanting to rent the skate park. Aldridge noted he can foresee such organizations, such as Boardertown Skate Shop, hosting events. He added a concern he does have is how to police the use of the park during these events. Plank stated this is addressed through our permit process, as these events must also go through the Police Department in terms of the need for off-duty officers, barricades, etc. Millspaugh added he would like to see more for-profit events use our facilities. Raney asked what defines a large event. Deuster directed Raney to the information provided in the agenda packet that includes the Fort Smith Municipal Code definition of a large event. Raney asked what would happen if someone wanted to have a birthday party at the skate park. Deuster noted we will not rent the facility out for that event, but they can still utilize the facility, adding this is the same process used for outdoor pavilions throughout our parks.

Raible made a motion to recommend the fees for the skate parks as presented. The motion was seconded by Raney and unanimously approved.

## **3. Trail Counter Project**

Millspaugh requested this item be removed from discussion again.

## **4. Trees**

Millspaugh stated there needs to be a discussion regarding what the responsibilities of Tree Committee are, as the Parks Commission serves as this committee. Reinert talked about the requirements for a city to be recognized as a *Tree City USA*. Jennen noted she had a citizen asked if Fort Smith was still meeting this requirement and stated she told them Fort Smith is still in good standing as being recognized as a Tree City USA. Deuster stated she has begun preparing this year's application. Reinert noted the benefits of this recognition, and Jennen added this honor also helps with getting grants. She added a requirement is also having a Tree Ordinance, which the City does have. Jennen added the ordinance is limited to just parks; it is not city-wide. She stated she would like to see more involvement with other departments to enhance this ordinance. Millspaugh requested this item be added to December's agenda and be provided with the tree ordinance and some data for the Tree City USA application.

## **5. Project Updates**

### Chaffee Crossing Trails

The advertisement for bids is prepared and bids will be opened on December 6<sup>th</sup>.

### River Park Pavilion

The A/C units and window tinting are going out to bid and will be opened November 29<sup>th</sup>.

### Splash Pads

Aldridge gave an update regarding the splash pads at Tilles and Woodlawn Parks. He noted there have been delays in the project due to materials being on back order, but he anticipates the project being completed in the middle of December.

### Property Acquisition

Reinert noted the purchase of approximately 330 acres of land will be presented to the Board of Directors. This land will be used for soft surface trails.

### Riverfront Drive Sports Fields (51 Acres)

The waterline project is currently out for bid. The completion of this project will allow the maintenance building to be completed and a water source be installed.

## **6. Public Comments**

Teresa Hesselberth was presented in the audience and stated her opposition to the adult age at Creekmore Pool. She believes this age is too young to be considered an adult and money should not be the driving factor in this decision.

David Harris asked if having an arborist on staff was a requirement to be a Tree City USA. Reinert stated this is not a requirement.

Aldridge noted the grand opening celebration for the Riverfront Skate and Bike Park was a big success. He noted there are still some light fixtures that need to be installed. There is also a climbing structure being ordered that will be installed once it arrives in a few weeks. Aldridge noted the Fort Smith Downtown Business Association will hold a tree lighting ceremony at Pendergraft Park on November 24<sup>th</sup> at 5:30pm.

## **7. Commission and Staff Comments**

None.

The meeting was adjourned at 1:07 p.m.

Casey Millspough, Chairman  
Amber Plank, Records Coordinator

AN ORDINANCE REGULATING THE PLANTING, MAINTENANCE,  
PROTECTION AND REMOVAL OF TREES IN PARKS AND ON  
OTHER DESIGNATED PUBLIC GROUNDS; AND FOR OTHER PURPOSES

WHEREAS, the trees located in the City of Fort Smith are a valuable natural resource which needs to be managed.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Directors of the City of Fort Smith, Arkansas:

**SECTION 1. PURPOSE**

It is the purpose of this ordinance to preserve and enhance the natural beauty of Fort Smith, to protect the health and safety of the residents of Fort Smith, and to protect the environment by providing for regulation of the planting, maintenance, and removal of public trees within the Fort Smith city parks, in order to accomplish where possible, the following objectives:

- To create a desirable environment for Fort Smith residents.
- To moderate effects of sun, wind, and temperature changes.
- To buffer noise, air, and visual pollution.
- To decrease storm water runoff.
- To filter pollutants from the air and release oxygen.
- To stabilize soil and prevent erosion.
- To provide habitat for wildlife.
- To increase property values and protect investment.
- To preserve desirable trees.
- To help preserve river and stream banks.
- To screen incompatible land uses.
- To encourage public education about trees and their value to the community.
- To promote energy conservation.

**SECTION 2. DEFINITIONS**

(A) *Administrative Authority*. The person(s) designated by the City Administrator with the responsibility for administration and enforcement of this ordinance.

(B) *Basal flair*. The tree trunk where it emerges from the root system and flairs out to create the base of the tree.

(C) *Commercial Tree Pruner/Service*. A person who performs work on trees for profit.

(D) *Diameter Breast Height (DBH)*. The diameter of a tree measured at a point four and one-half feet above the ground. If a tree splits into multi-trunks, the trunk is measured at its narrowest point below the slit.

Approved as to form  
JSL  
Publish 1 time

(E) *Dripline*. The imaginary vertical line that extends downward from the outermost tips of the tree branches to the ground.

(F) *Hazardous Tree*. A tree or tree parts with high probability of falling or causing injury or property loss; also, a tree harboring insects or a disease that could be detrimental to surrounding trees.

(G) *Landmark Tree*. Any tree, located on public grounds, listed with the state or national registry or cited in the city's tree registry as being historically significant, by age, species, form, or location.

(H) *Person*. An individual, firm, corporation, partnership, business, group of individuals, city department or other entity which acts singly or collectively for a common purpose.

(I) *Public Grounds*. Areas owned or maintained by the City of Fort Smith Parks and Recreation Department including parks, streetscapes, alleys, medians, and any other property owned or maintained by the Parks Department.

(J) *Rare Tree*. Any tree with a trunk diameter of twenty-four inches or more for large growing species and eight inches or more for small growing species, over two hundred years of age, or is representative of an uncommon or endangered species as designated in the city's tree registry.

(K) *Root Collar*. The part of a tree where the main roots join the trunk, usually at or near ground level.

(L) *Root Protection Zone*. The area within a circle with a radius equal to the greatest distance from the trunk to any overhanging foliage in the tree canopy.

(M) *Topping*. The severe removal of the tree canopy back to large stubs (Also referred to as stubbing, dehorning, pollarding, and heading). Any cutting of the branches and/or trunk of a tree in a manner which will substantially reduce the overall size of the tree area so as to destroy the existing symmetrical appearance or natural shape of the tree in a manner which results in the removal of main lateral branches leaving the trunk of the tree in a stub.

(N) *Tree*. Any self-supporting woody perennial plant, usually having a main trunk(s) and many branches, and, at maturity, normally attaining a trunk diameter greater than three inches at DBH and height of over ten feet.

(O) *Tree Registry*. A list of trees registered with the City of Fort Smith due to documented historic association, rare tree species or extraordinary value because of their age, size, or location.

### SECTION 3. ESTABLISHMENT AND RESPONSIBILITIES OF TREE BOARD

It is hereby established that the Parks and Recreation Commission will serve as the Tree Commission for the Fort Smith city. It shall be the responsibility of the Commission to recommend, study, investigate, counsel, and develop and or update annually, and recommend a written plan for the care, preservation, pruning, planting, replanting, removal of trees on public grounds. The Commission, when requested by the Board of Directors, shall consider, investigate, make finding, report and recommend upon any special matter of question coming within the scope of is work.

### SECTION 4. TREE PLANNING, PLANTING, MAINTENANCE AND REMOVAL –Fort Smith City Parks and Public Grounds

(A) Trees may be planted within public grounds only after notification to the Administrative Authority.

(B) Permitted planting must adhere to the following procedures:

(1) Trees must be planted so that they are at the same root collar depth as they were in the nursery. Planting holes must be at least 2-3 times as wide as the root ball. Do not mound soil or mulch around the base of the trunk. The root collar must be flush with or planted a few inches above the finished grade. Burlap and wire baskets must be completely removed.

(2) No soil amendments are necessary under normal conditions. Any foreign debris (eg. bricks, drywall, concrete, etc.) is to be removed from the hole and replaced with screened topsoil.

(3) Only broken, damaged, or cross over branches are to be trimmed at time of planting. Trees with no leader or which have been topped will not be planted.

(4) All newly planted trees are to be mulched (wood chips, cottonseed hulls, or other approved natural mulch) at an approximate depth of 3 inches. The root ball diameter plus 20 inches all around is to be mulched. Do not mound soil/mulch around tree trunk. Do not maintain turf to base of tree.

(5) All trees must be watered in at the time of planting to ensure good soil root contact and thereafter to maintain healthy life.

(6) Trees to be planted must be selected from the "Recommend Trees" selection list. Any tree not on this list, must receive approval from the Administrative Authority prior to planting.

(7) Spacing of trees to be planted will be with the guidelines of the Arkansas Forestry Commission, generally as follows: Trees reaching less than 20 feet high at maturity, 30 feet apart; trees reaching between 30 - 50 feet high at maturity, 40 feet apart; trees reaching 50 feet or higher at maturity, 50 feet apart. Exceptions may be made in special plantings designed or approved by the Commission.

(8) No tree shall be planted closer than 35 feet of any street corner, measured from the point of nearest intersecting curbs or curblines on public grounds.

(9) No trees other than those in the "Small Tree" category on the "Recommended Trees" list may be planted under or within 10 lateral feet of any overhead utility

wire, or over or within 5 lateral feet of any underground water line, sewer line, transmission line or other utility in city parks, public grounds, or public right-of-ways on city park property

(C) Trees shall not be removed from public grounds unless approval is received from the Administrative Authority. Trees severely damaged or downed from storms or disasters are exempt.

(D) It shall be a violation of this ordinance to damage, destroy or mutilate any tree within public grounds or attach or place any rope or wire (other than one to support a young or broken tree), sign, poster, handbill or any other thing to any such tree.

(E) No employee of the Parks and Recreation Department shall top or cut back to stubs the crown of any tree on public grounds.

(F) It shall be a violation of this ordinance for any commercial tree pruner/service to top any tree on public grounds.

(G) The Parks and Recreation Department shall have the right to prune, maintain and remove any tree on public grounds which interferes with any traffic control device or sign.

(H) Trees severely damaged by storms or other causes where required pruning practices are impractical may be exempt from this ordinance by the Administrative Authority.

(I) It shall be a violation of this ordinance for the use of tree spurs or climbing spikes on trees located on public grounds except with specific written permission of the Administrative Authority.

(J) It shall be a violation of this ordinance to deposit, store, or maintain any stone, brick, sand, concrete, lumber, tile, pipe, equipment, or other material which reasonably may be expected to impede the free passage of water, air or fertilizer to the roots of any tree on public grounds.

(K) It shall be a violation of this ordinance to cause any gaseous, liquid, or solid substance which because of the nature or amount reasonably may be expected to be toxic or otherwise harmful to trees to be located where such substances reasonably may be expected to affect trees on public grounds.

(L) Utility companies shall carry out all such work in accordance with accepted arboricultural practices while pruning on any tree on public grounds. Directional pruning methods are recommended and preferred.

(M) Any person wishing to donate and plant a tree on public grounds must coordinate and received final approval from the Administrative Authority prior to tree selection and planting.

## SECTION 5. TREE PRESERVATION - PUBLIC GROUNDS

A major objective of the ordinance is to encourage the preservation of existing vegetation wherever possible while allowing quality development to take place.

(A) Where preserved, rare or landmark trees exist, protection measures shall be in place prior to the arrival of any heavy equipment on the site or the beginning of any construction including land alteration except as necessary to install tree protection. Such measures shall remain in place until commencement of final landscaping.

(B) Proposed development shall be designed to maximize the preservation of rare and landmark trees. Where preserved, rare and landmark trees exist, flexible approaches such as adjustments to lot layout, placement of building and paved surfaces and location of utilities should be pursued in order to save them.

(C) Protective fencing or other construction barrier shall be placed at and completely encompass the root protection zone of preserved, rare or landmark trees, which minimally begins at the tree's dripline.

(D) Any tree whose root protection zone will be affected by soil removal shall have roots cut cleanly by trenching at a point at least one (1) foot outside the protective fencing or construction barrier installed as required above.

(E) "Natural" or pre-construction grade should be maintained in the root protection zone. At no time during or after construction should soil be in contact with the trunk of the tree above the basal flair.

(F) The following shall be prohibited within the root protection zone of any preserved, rare or landmark trees:

- (1) Grading and excavation which involves cutting or filling to a depth of more than 3 inches.
- (2) Pouring of any material which is toxic to trees within this protected zone.
- (3) Installing, depositing, placing, storing, or maintaining any stone, brick, sand, concrete, or other materials which may impede the free unobstructed growth of or passage of water, air and fertilizer to the roots.
- (4) Attaching any sign, poster, notice or other object, or fastening any guy wire, cable, rope, nail, screw, or other device to any preserved, rare or landmark tree for any reason other than that of a protective nature to the tree.
- (5) Causing or encouraging any fire or burning of any kind near or around any preserved, rare or landmark tree.
- (6) Parking construction or passenger vehicles of any type within this protection zone.

SECTION 6. PENALTY

Any violation of the above provisions of this ordinance shall be subject to the penalties set forth in the Fort Smith Code of Ordinances Section 1-9.

SECTION 7. CONFLICT IN REGULATIONS

Where a conflict arises between this ordinance and another ordinance, the more stringent requirement shall apply.

SECTION 8. CODIFICATION

This ordinance shall be codified in the Municipal Code, with numbering and lettering at the discretion of the codifier.

Passed and approved this 19<sup>th</sup> day of September 2006.

APPROVED:

A handwritten signature in black ink, appearing to read "D. B. Baker", written over a horizontal line.

Mayor

ATTEST:

A handwritten signature in black ink, appearing to read "Cindy Bender", written over a horizontal line.  
City Clerk