

**From:** Kim Miller <[kmiller2@ashevillenc.gov](mailto:kmiller2@ashevillenc.gov)>  
**Sent:** 6/3/2022 10:27:51 AM  
**To:** [esthermanheimer@avlcouncil.com](mailto:esthermanheimer@avlcouncil.com)  
**Cc:**  
**Subject:** Re: Aston Park Response

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yes it is. I'll clarify that at the top --

" Additionally, the City Council has no direct role in criminal enforcement, nor in administrative City policies including the parks director's ability to enforce temporary park bans. Decisions to implement and enforce the Restricted Access to City Parks policy remains at the discretion of the Parks and Recreation Director."

shall I attribute the responses to the direct question portion to you?

On Fri, Jun 3, 2022 at 10:20 AM <[esthermanheimer@avlcouncil.com](mailto:esthermanheimer@avlcouncil.com)> wrote:

This looks good, but can you clarify in the part below about banning people from parks, who makes that decision? I assume it's the Parks and Rec director?

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**From:** Kim Miller <[kmiller2@ashevillenc.gov](mailto:kmiller2@ashevillenc.gov)>  
**Sent:** Friday, June 3, 2022 8:32 AM  
**To:** Esther Manheimer <[esthermanheimer@avlcouncil.com](mailto:esthermanheimer@avlcouncil.com)>  
**Subject:** Aston Park Response

Morning Mayor

Here's the proposed response. I am sending this AM on your approval of text.

As the email will come from me - please let me know sections you would like quoted or directly attributed to you

Happy to make any adjustments (Brad has vetted)

PROPOSED EMAIL:

Sarah,

Please find below the City of Asheville statements regarding your Aston Park felony littering ban questions.

While issuing a response, it is important to note that we believe it is necessary to limit statements on pending criminal matters in order to not interfere with the District Attorney's process in criminal matters. Additionally, the City Council has no direct role in criminal enforcement, nor in administrative City policies including the parks director's ability to enforce temporary park bans.

It looks as though there has only been one felony littering case in Buncombe County in the past 10 years, and I was hoping to learn why the city was pursuing these charges.

In this situation, more than 2000 pounds of litter was left in the park. That far exceeds the threshold for felony littering charges. Extensive City resources were required to clean up the park, returning it to a clean and safe state for public use. The City of Asheville respects the right of our community to have their voices heard. However, destructive action in public parks, such as occurred in this case, will not be tolerated.

Additionally, City staff is not aware of any other instance in the past ten years where known persons left that volume of trash on City property.

Also, a majority of those charged have been banned from all city parks for three years, though none have yet been convicted, and I was hoping you could weigh in.

Those charged have been restricted from City of Asheville parks under the Restricted Access to City Parks policy enacted in 2017. The aim of this policy is to provide a safe environment for City employees and the public while in a City park. A restricted access notice may be issued to anyone in violation of the policy. The felony litter charges are a separate matter currently being handled by the Buncombe County District Attorney.

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Kim Miller

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