

From: Brad Branham <bbranham@ashevillenc.gov>
Sent: 6/2/2022 12:00:45 PM
To: Kim Miller <kmiller2@ashevillenc.gov>
Cc:
Subject: Re: Citizen Times RE: Felony littering charges
Attachments: [image001.png](#)

Thanks!Â

On Thu, Jun 2, 2022 at 12:00 PM Kim Miller <kmiller2@ashevillenc.gov> wrote:
perfect

I'll have it to you early afternoon

On Thu, Jun 2, 2022 at 11:58 AM Brad Branham <bbranham@ashevillenc.gov> wrote:
Hey, Kim,

I was hoping to get a confirmation from the Mayor to my last question, but she may be swamped.Â I suggest going ahead and starting a draft based upon the information we provided.Â Shorter is probablyÂ better here. I can review and edit, and perhaps she will have responded to me by the time it's ready.

Thanks,Â

On Thu, Jun 2, 2022 at 11:56 AM Kim Miller <kmiller2@ashevillenc.gov> wrote:
you good - or want me to take this off your plate? draft something for your approval?

On Thu, Jun 2, 2022 at 11:09 AM Brad Branham <bbranham@ashevillenc.gov> wrote:
Certainly.Â Would you prefer that it be in the form of a response on your behalf, or do you plan to do that separately as well?

On Thu, Jun 2, 2022 at 11:08 AM <esthermanheimer@avlcouncil.com> wrote:

Thanks, can you share that info with Sarah.

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From: Brad Branham <bbranham@ashevillenc.gov>
Sent: Thursday, June 2, 2022 11:00 AM
To: Jenna Miller <jmiller2@ashevillenc.gov>; Esther Manheimer <esthermanheimer@avlcouncil.com>
Cc: Kim Miller <kmiller2@ashevillenc.gov>
Subject: Re: Citizen Times RE: Felony littering charges

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Mayor,

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Just as a final follow up, we checked in with the Chief and APD to get some historical perspective.Â Per that conversation, we can confirm that more than 2000 pounds of litter, which far exceeds theÂ threshold for felony littering, was left in the park, andÂ required extensive City resources to clean up. City staff do not recall any other time in the past ten yearsÂ where known persons left that volume of trash on City property.Â

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On Thu, Jun 2, 2022 at 9:58 AM Brad Branham <bbranham@ashevillenc.gov> wrote:

Thanks, Jenna,

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Mayor, this provides good background information for a response.Â However, I might also suggest that you state that the City Council has no direct role in criminal enforcement, nor in City policies including the parks director's ability to enforce temporary bans. In addition we believe it is necessary to limit statements on pending criminal matters in order to not interfere with the District Attorney's process.

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Brad R. Branham
City Attorney
City of Asheville
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On Thu, Jun 2, 2022, 9:42 AM Jenna Miller <jmiller2@ashevillenc.gov> wrote:

Here's what we sent out a couple weeks ago to the one constituent email:

https://docs.google.com/document/d/1DY4Zr9r0706-t-6yslnhNBLPWU7b_sR9P2Gn_H2N9rI/edit?usp=sharing

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On Thu, Jun 2, 2022 at 9:38 AM Esther Manheimer <esthermanheimer@avlCouncil.com> wrote:

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----- Forwarded message -----

From: **Honosky, Sarah** <SHonosky@citizentimes.com>

Date: Wed, Jun 1, 2022 at 5:28 PM

Subject: Citizen Times RE: Felony littering charges

To: Esther Manheimer <esthermanheimer@avlCouncil.com>

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Hi Mayor Manheimer,Â

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Hope you're doing well! I'm working on a story about the individuals who have been charged with felony littering by APD in connection with December protests in Aston Park.

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I know it hasn't been publicly discussed by council, but it's come up at some public comment sessions during council meetings, and I was hoping to get some perspective.Â Â

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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.

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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.Â

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I also wanted to ask if you had ever dealt with/heard of felony littering charges before.

Thanks so much,

Sarah Honosky
City Government Reporter

Citizen Times
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