

CITY OF FAIRVIEW
BOARD OF COMMISSIONERS
WORK SESSION MINUTES
OCTOBER 17, 2024, 6:00 PM, CITY HALL

Lisa Anderson, Mayor
 Brandon Butler, Vice Mayor
 Wayne Hall, Commissioner
 Stuart L. Johnson, Commissioner
 Chris McDonald, Commissioner
 Tom Daugherty, City Manager
 Patrick Carter, City Attorney
 Rachel Jones, City Recorder

Staff Present: Tom Daugherty, Keith Paisley, Ethan Greer, Rachel Jones, Bre Bailey, Zack Humphreys, Patrick Carter, Keith Reed, Jennifer Whitaker, Wesley Dutton, Scott Hughes, Ray Martin

BOC MEMBERS	PRESENT	ABSENT
Mayor Anderson	X	
Vice Mayor Butler	X	
Commissioner Hall	X	
Commissioner Johnson	X	
Commissioner McDonald	X	

❖ **Call to Order by Mayor Anderson at 6:00 P.M.**

• **Items for Discussion:**

1. Police Training Facility (PowerPoint Presentation included)

City Manager, Tom Daugherty, opened by stating this work session is meant to be an informational session for the Board of Commissioners and that the police training facility is an approved and funded project.

Police Chief, Zack Humphreys, opened by stating the firing range project has already been approved by a previous board for the Dice Lampley Rd location. Chief Humphreys stated the funding has also been approved for that site. Chief Humphreys stated his intent is to provide information to the current board and to provide information to the public. Chief Humphreys stated the site has been approved for public safety training regardless of whether it has a firing range or not. Chief Humphreys stated the desire is to construct a range engineered to maximize safety.

Credibility

Chief Humphreys stated his staff has a combined total of over 108 years of experience. Chief Humphreys stated he has not encountered a single citizen of Fairview that has been opposed. Chief Humphreys displayed a list of non-Fairview citizens that showed opposition at the BOZA meeting none of which he could credit with any law enforcement experience.

Safety Concerns

Chief Humphreys showed examples of other ranges throughout the state. Chief Humphreys gave approximate distances from the ranges to surrounding buildings. Examples included, TLETA, Dickson PD, Middle TN Firearms Training, Strategic Advantage Firearms Education, Patriot Training, Terry Walden Gun Range, B&B Rifle/Pistol Range, Cheatham WMA Shooting and Archery Range, and Scioto Shooting Range.

Chief Humphreys stated “If ranges are dangerous to the surrounding areas, you would assume that there would be stringent Federal, State, and Local regulations. For private ranges you could also assume that they would be equally regulated in construction by insurance requirements and ranges would reflect extremely large berms and barriers to ensure maximum safety.”

FVPD Range

Chief Humphreys stated the Fairview PD range will be significantly further away from other structures than ranges that exist in metropolitan areas or parks. Chief Humphreys showed slides of the elevation changes in relation to the nearest homes in the area. Chief Humphreys stated the purpose of the tower is to teach multiple angle shooting and the enhanced angles help to improve safety. Chief Humphreys stated the berm on the Fairview range will be 20 feet high. Chief Humphreys explained the absolute trajectory of bullets and provided ballistic data.

Justification

Failure to Train!

Chief Humphreys gave several examples of lawsuits.

- City of Canton, Ohio v. Harris, 489 U.S. 378 (1989)
- POPOW vs CITY OF MARGATE (U.S. District Court)
- Zuchel vs. City and County of Denver, Colorado (U.S. Court of Appeals)

What's the cost???

- The City of Redmond after the fatal shooting that took place in Andrea Chruna's apartment settled for \$7.5 million before the case was filed.
- The City of El Paso agreed to pay a \$1.2 million settlement to the family of Erik Emmanuel Salas-Sanchez, who was shot and killed by an El Paso police at his home.
- In March 2022, the City of Akron reached a \$900,000 settlement with brothers Jamon Pruiett and Latrent Redrick, who were shot by police.
- In February 2022, Colorado Springs agreed to pay \$2.97 million to the family of De'Von Bailey, a 19-year-old who was killed by officers in 2019.
- In December 2021, the City of San Francisco agreed to pay \$2.5 million to Judy O'Neil, the mother of Keita O'Neil who was killed by a San Francisco Police officer.
- In December 2021, a federal jury awarded ordered the City of Santa Clara to pay \$500,000 to Omar Gomez, a man who was shot and wounded by a Santa Clara police.
- The family of Charleena Lyles, a pregnant woman killed by Seattle police officers in 2017, city officials agreed to settle the case with her family for \$3.5 million.
- The City of Pasadena has agreed to pay \$7.5 million to settle the case of a man fatally shot by a police officer while trying to flee a traffic stop last year.
- The family of a mentally ill man who was shot nine times by a California law enforcement officer has been awarded \$4.9 million dollars.
- The City of Fontana agreed to pay the parents of Daverion Kinard, who was fatally shot by a police officer during an attempt to arrest him, \$1 million to settle the case.
- The family of Alton Sterling, a man who was shot and killed by an officer outside of a convenience store in 2016, will be awarded \$4.5 million by the City of Baton Rouge.

- The Honolulu City Council voted to pay \$1 million to settle the wrongful death lawsuit of Cameron Johnson, a 19-year-old who was shot and killed in 2017 during an officer's investigation of a stolen vehicle.
- The City of Columbus will pay \$10 million to the family of Andre Hill, who was fatally shot by a police officer in December 2020. Hill was unarmed and posed no threat.
- The City of Cedar Rapids settled an \$8 million lawsuit in the wrongful shooting of Jerime Mitchell.
- The City of Louisville paid \$12 million to the Taylor family in connection with the fatal police shooting of Breonna Taylor. Breonna Taylor was asleep at home when police executed a dubiously obtained "no-knock" warrant.
- The Charlotte-Mecklenburg Police Department has settled several wrongful shooting lawsuits in recent years. This includes a \$2.25 million settlement following the shooting of Jonathan Ferrell; a \$115,000 settlement award to Charlotte teenager Jeffrey Green; and \$700,000 paid to the estate of Anthony Wayne Furr.

Chief Humphreys touched on the Uvalde, TX incident where officers did nothing while 19 students and 2 teachers was killed resulting in a \$27 billion class-action lawsuit.

The Default Response: It's Not What Ms. Bowie Wanted

Chief Humphreys referenced Ms. Bowie's will stating section 5 reads "the City of Fairview shall not permit the use of firearms (except by law enforcement officials)." Chief Humphreys also referenced section 8 stating that the city shall be permitted to construct in areas that would not detract from the purpose for which this conveyance is made municipal buildings and/or other improvements.

The Real Cost

Chief Humphreys stated the cost of not training is real. He stated the cost is lives, safety, and security. Chief Humphreys explained to the board the mindset of officers as they experience traumatic events and the importance of training to be prepared when/if these events occur.

Mathew Piofer with CEC explained to the board that this project has been handled with care and the site has been investigated and environmental studies have been completed. Mr. Piofer stated jurisdictional determinations have been completed to determine the waters on the site. Mr. Piofer stated investigations have been done to determine what endangered species are there. Mr. Piofer also stated considerations have been made for stormwater and keeping the area clean.

❖ **Adjournment by Mayor Anderson at 6:47 P.M.**


 Rachel Jones, City Recorder

<https://www.youtube.com/watch?v=Bixcdlem0x0>



Work Session – Police Training Facility

- Firing Range project has already been approved for the Dice Lampley location
- Funding has been approved for the Firing Range Project
- The site is an approved location for public safety training*



Credibility



Police Experience

Police Staff

Chief Zack Humphreys	29 years
Assistant Chief Robert Odom	31 years
Captain Mark Sutton	30 years
Sergeant Chase Greer	14 years
Officer Fletcher Valentine	04 years

Total Years of Experience = 108 years

Citizens of Fairview

None Reported 0 years

Total Years of Experience = 0

Non-Citizens of Fairview

Jackson Brunger	0 years
Gena Brunger	0 years
Erin DeBose	0 years
Earl Lampley	0 years
Precilla Lampley	0 years
Mike Cruz*	0 years
Charlene Chapman	0 years
Dennis Chapman	0 years
Caleb Duke	0 years

Total Years of Experience = 0

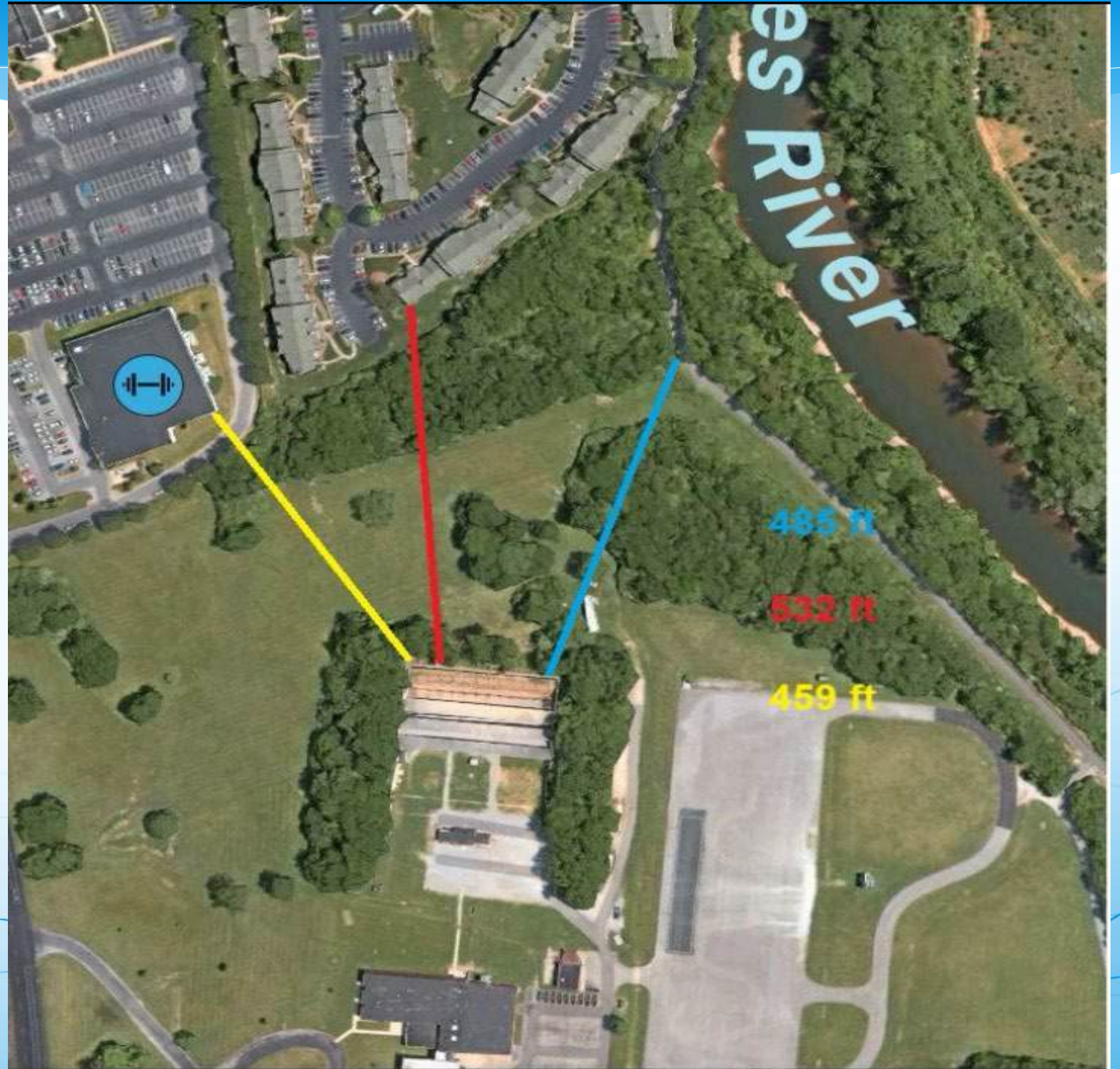


Safety Concerns



TLETA

- Located in Metro Nashville
- Operational since the 60's





Fitness Gym

Tth Police Academy

Apartments

Back of range berm

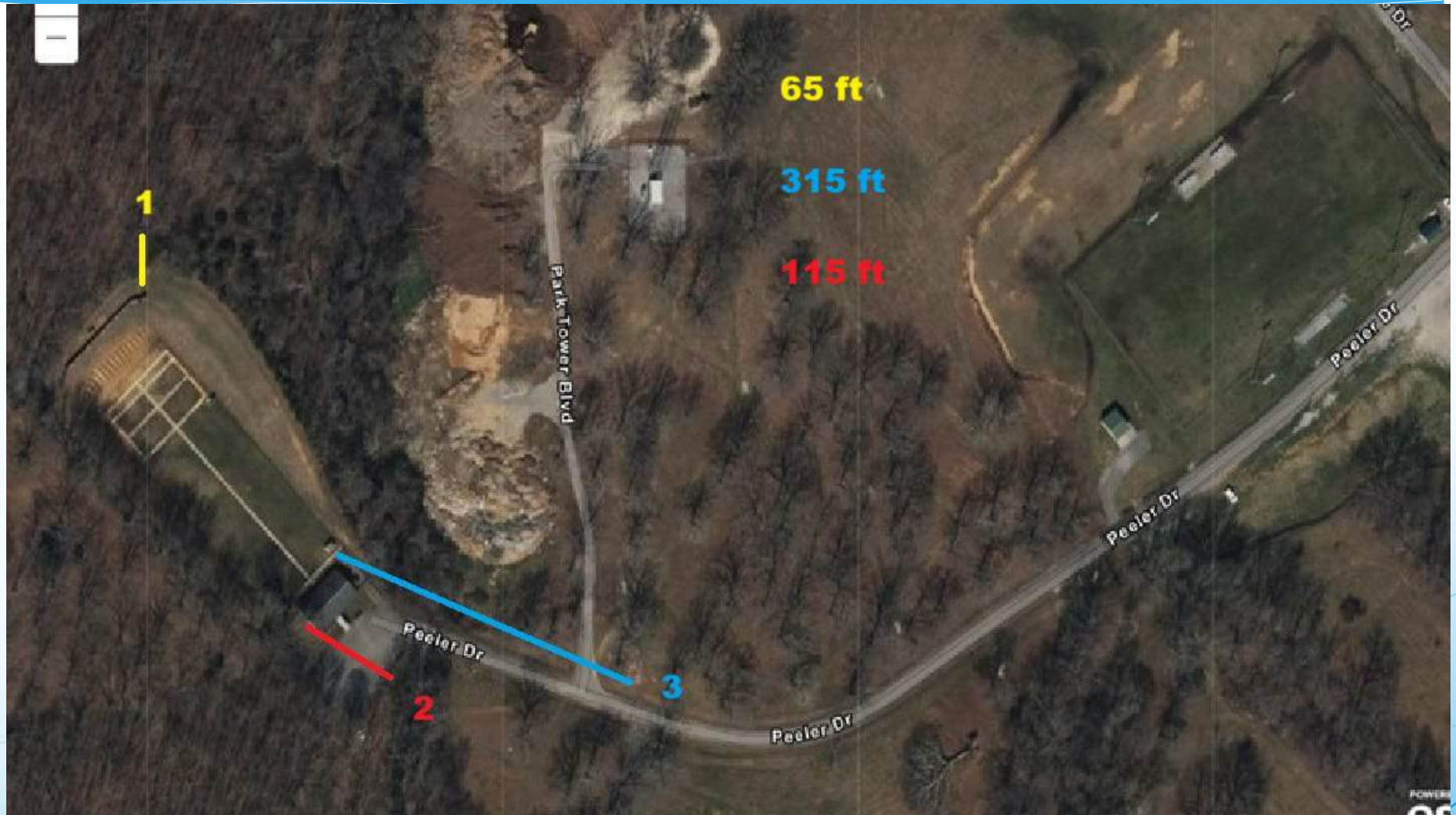


Google



Dickson PD

- Inside Buckner Park
- Operated since 1996



* Centennial Elementary School is 600 yards away – constructed 3 years after the range was opened

1



From the trail marker I am standing at the chain link fence at the top of the firing backstop berm. Approx 65'. The buffer wall does NOT cover the area above the berm that is in line with the walking trail.



Disc Golf hole #3 approx. 115ft from range house



Disc Golf tee box #4 approx. 315ft from range



I was informed by the Director of Parks that the Dickson County High School Cross Country Team runs on the trail and while I was gathering pics to determine distance, the Cross Country team was onsite to practice, and I captured a picture of one entering the trail head that runs behind the range.



If ranges are dangerous to the surrounding areas, you would assume that there would be stringent Federal, State, and Local regulations. For private ranges you could also assume that they would be equally regulated in construction by insurance requirements and ranges would reflect extremely large berms and barriers to ensure maximum safety.

Middle TN Firearms Training (Private business) Lynnville, TN



Strategic Advantage Firearms Education
(Private business)
Columbia, TN



Patriot Training
(Private Business)
McMinnville, TN



Terry Walden Gun Range
(Private Business)
Coffee County, TN



B&B Rifle / Pistol Range
(Private Business)
Rhea County, TN



Cheatham WMA Shooting and Archery Range
(State Owned)
Cheatham County, TN



Scioto Shooting Range
(Federal Owned)
Cherokee National Park



So, what about the wildlife?

State of TN (their description)

A Wildlife Management Area (WMA) is a protected area set aside for the **conservation** of wildlife and for recreational activities

Firing ranges inside of WMA areas:

- The state of Tennessee operates 9 firing ranges inside of WMA's

US Dept of the Interior

*“At the Department of the Interior, we work every day to protect our nation’s special places so current and future generations can experience our natural and cultural treasures for years to come. National parks tend to be large swaths of land that **protect** a variety of resources, including natural and historic features.”*

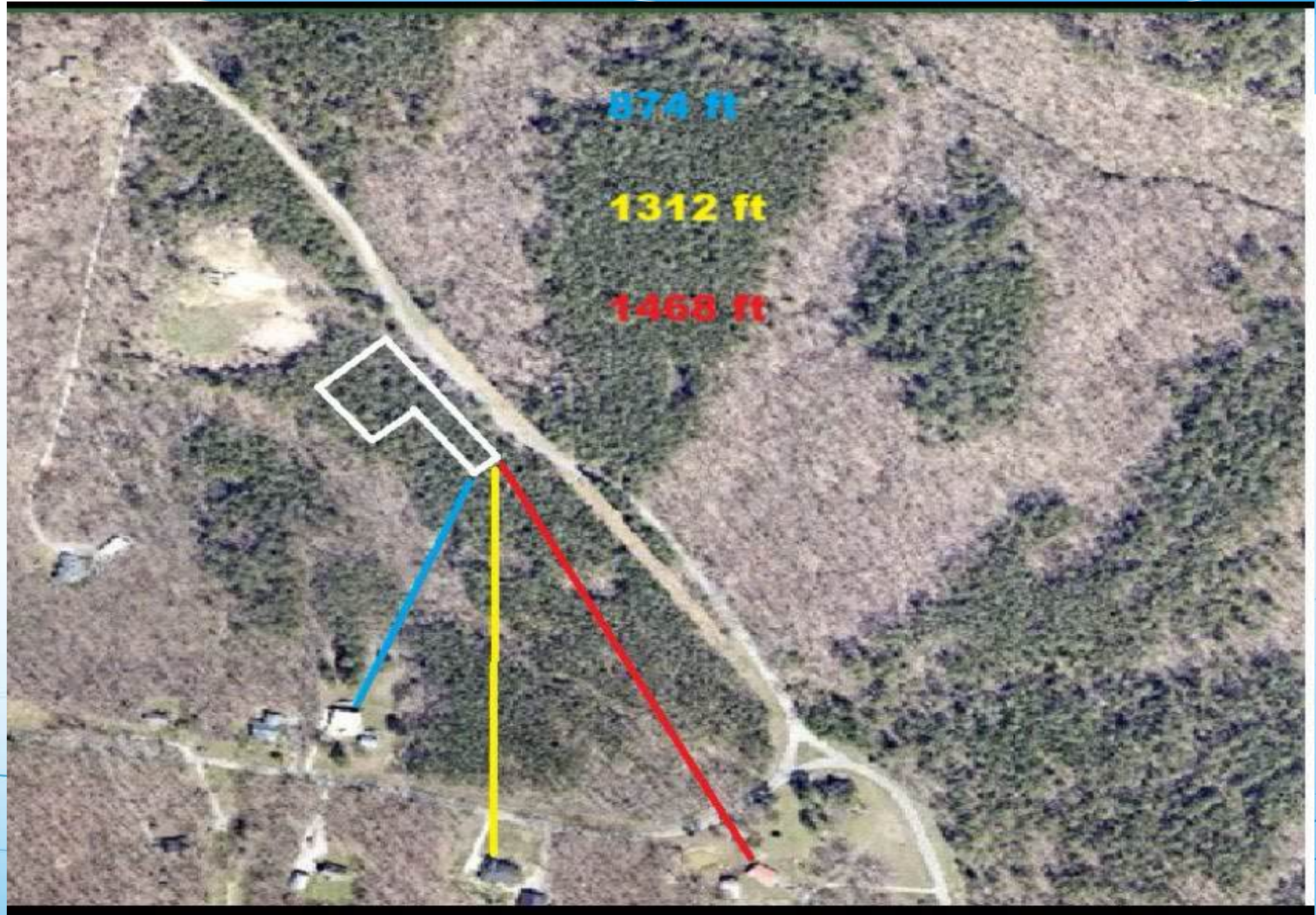
- Cherokee National Park operates 5 firing ranges within park property.

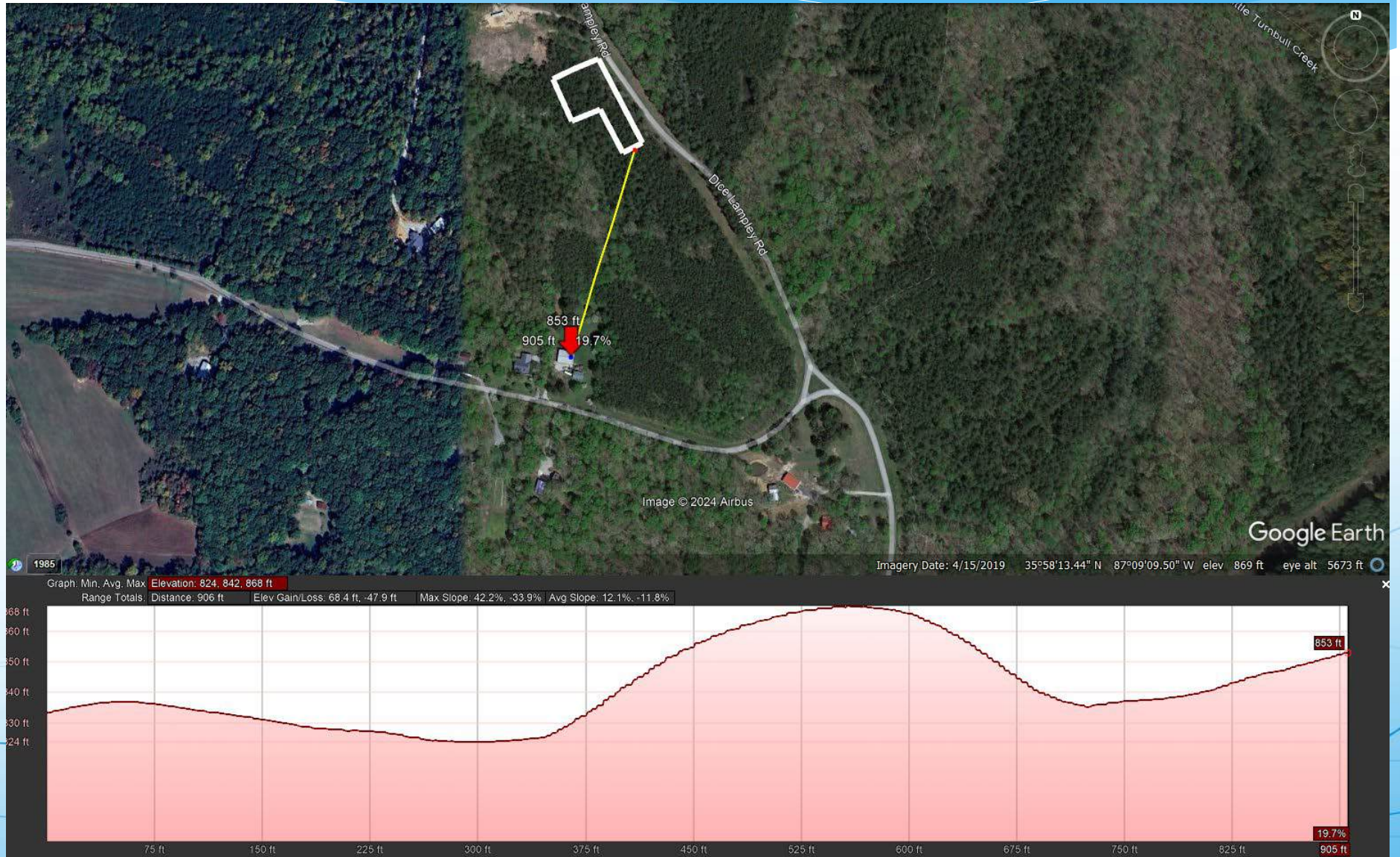


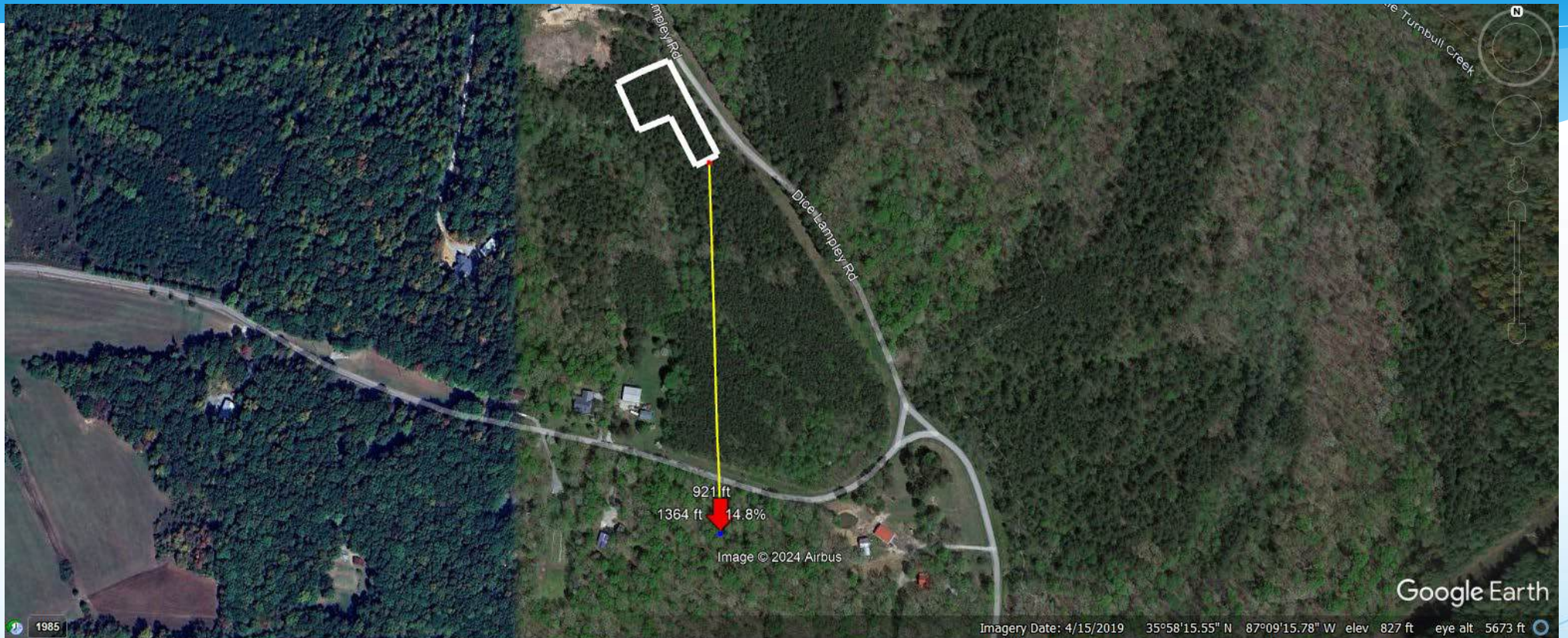
FVPD Range





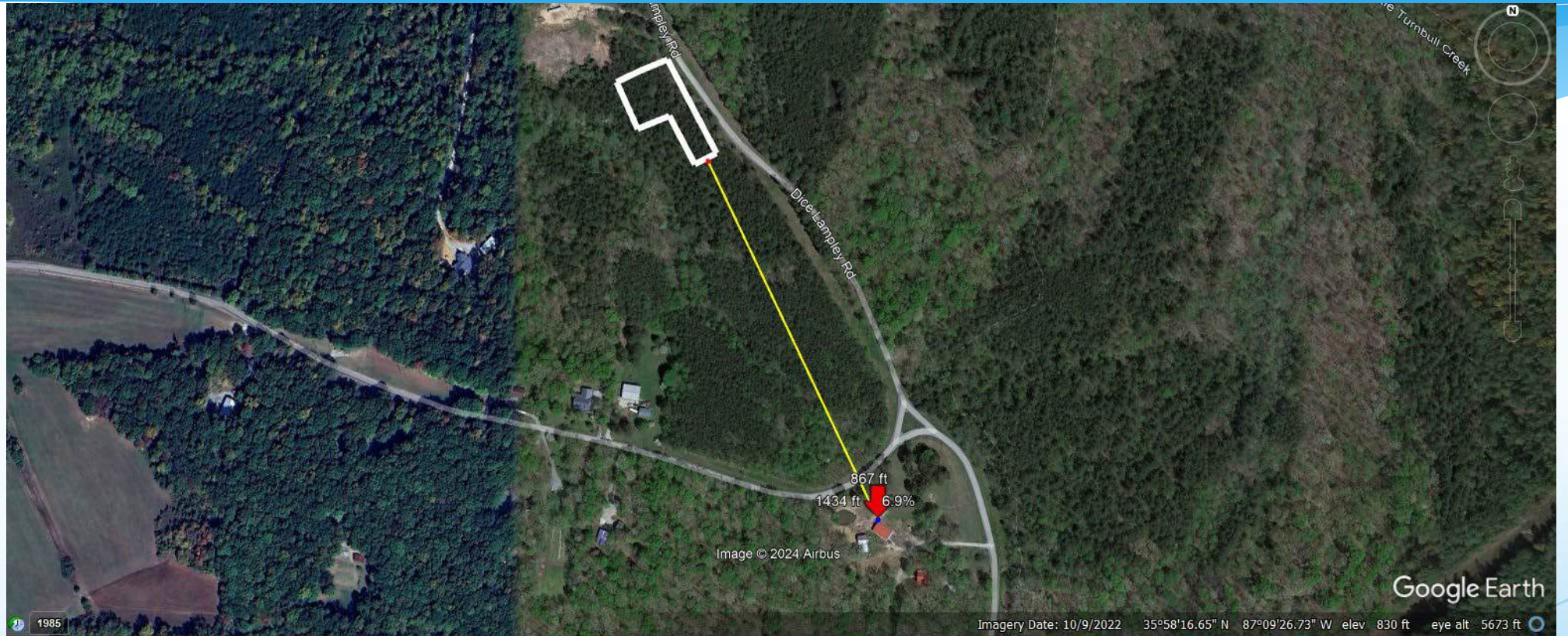






1985 Imagery Date: 4/15/2019 35°58'15.55" N 87°09'15.78" W elev 827 ft eye alt 5673 ft





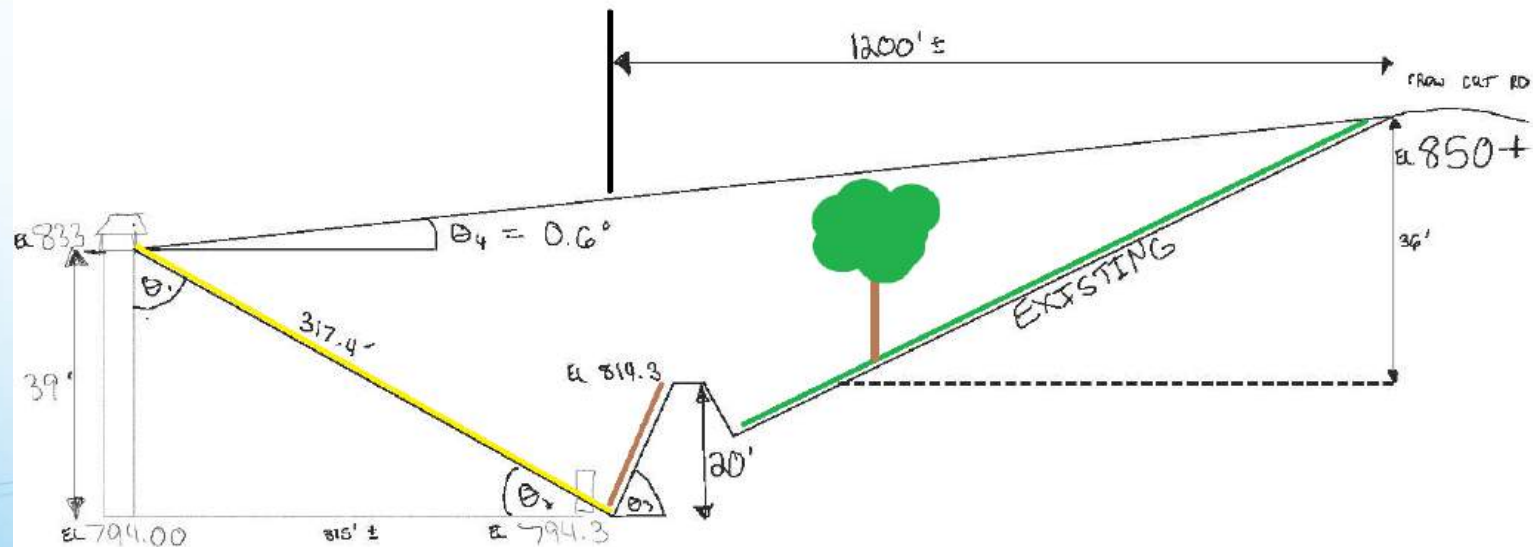
LINE OF SIGHT ANGLES

$\theta_1 = 83^\circ \Rightarrow$ AIM DOWN 9° FROM LEVEL

$\theta_2 = 7^\circ$

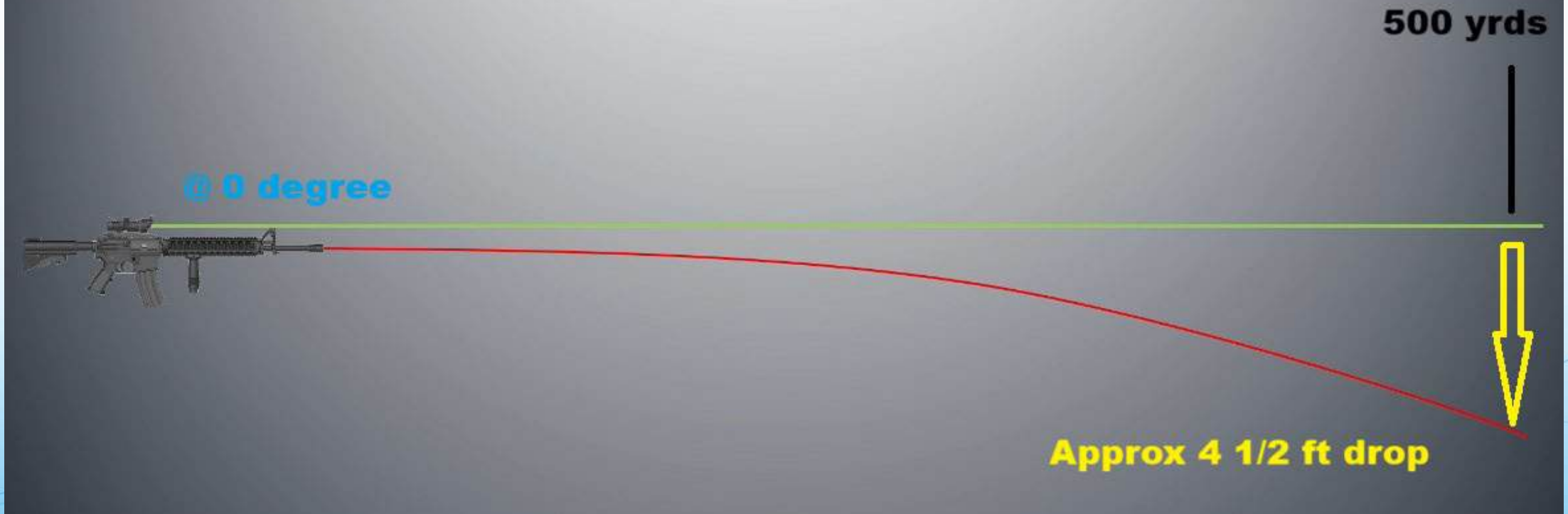
$\theta_3 = 45^\circ$ 1:1 SLOPE

$\theta_4 = 0.6^\circ \Rightarrow$ AIM UP 0.6° FROM LEVEL



- Purpose of the tower is to teach multiple angle shooting and the enhanced angles help improve safety
- Tower height: City has approved projects that have exceeded the city code

Absolute Trajectory



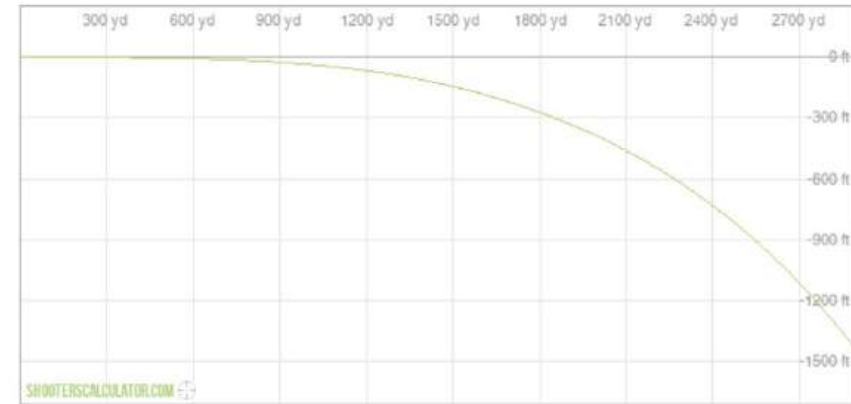
Is the school at risk to be hit with a round?

Load Number	AE223	Caliber	223 Rem
Bullet Style	Full Metal Jacket	Bullet Weight (grains)	55 grs
G1 Ballistic Coefficient	.269	Muzzle Velocity	3,240 fps
Sight Height	2.6 in	Zero Range	100 yd
Temperature	65 °F	Wind Speed	10 mph
Altitude	800 feet	Max Range	2,000 yd

RANGE (YD)	DROP (IN)	WIND DRIFT (IN)	VELOCITY (FPS)	ENERGY (FT-LB)
0	-2.6	-0.0	3240	1282
100	0.0	1.0	2887	1018
200	-1.6	4.1	2562	801
300	-8.5	9.7	2258	623
400	-22.3	18.5	1976	477
500	-45.2	30.9	1716	360
600	-80.2	47.6	1485	269
700	-131.9	69.6	1289	203
800	-205.6	97.0	1138	158
900	-307.2	129.5	1035	131
1000	-440.1	166.2	962	113
1100	-607.7	206.5	906	100
1200	-813.0	250.1	858	90
1300	-1060.5	297.1	815	81
1400	-1352.8	346.9	777	74
1500	-1697.5	400.4	742	67
1600	-2097.2	456.9	709	61
1700	-2555.7	516.5	678	56
1800	-3085.3	580.1	648	51
1900	-3689.3	647.3	620	47
2000	-4372.0	717.9	593	43

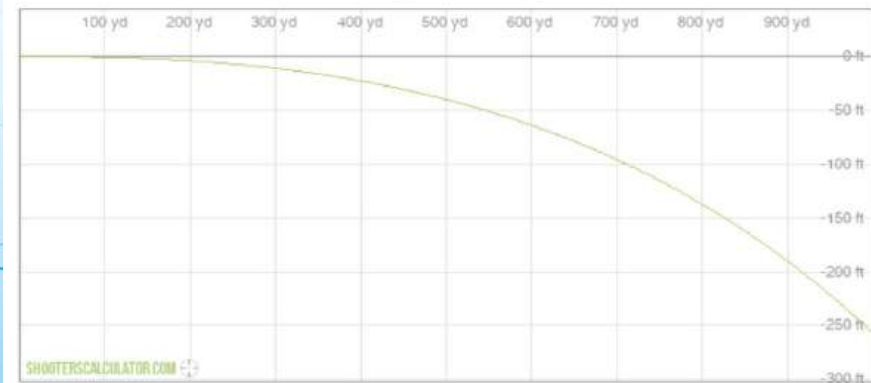
-364ft

223 55 grain federal gmm



The school is 2900 yards away. The ballistic drop is about 1500ft (.223). The kinetic energy of the round would be approx. 24ftlbs of energy. The US army determined that a minimum kinetic energy of a bullet to be lethal is 58ftlbs.

9x19mm Luger 115 grain FMJ





Justification



FAILURE TO TRAIN !

City of Canton, Ohio v. Harris, 489 U.S. 378 (1989).

The United States Supreme Court held that “a municipality may be held liable under §1983 for violations of rights guaranteed by the Federal Constitution, where violations result from the municipality’s failure to adequately train its employees, only if that failure reflects a **DELIBERATE INDIFFERENCE** on the part of the municipality to the constitutional rights of its inhabitants.

Canton continued..

It requires little imagination to recognize that a firearm is an inherently dangerous tool that poses numerous risks in the hands of unskilled persons. Accordingly, it is a relatively simple matter to establish that **the need for training is "so obvious"** that a policy of providing no firearms training to police officers who are to be armed with them demonstrates a "deliberate indifference" to the safety of the community.

In Canton, the Court used training on deadly force to illustrate the standard of deliberate indifference. **The Court noted that "city policy makers know to a moral certainty that their police officers will be required to arrest fleeing felons." Moreover, "the city has armed its officers with firearms, in part to accomplish this task." In such a situation, "the need to train officers in the constitutional limitations on the use of deadly force ... can be said to be 'so obvious' that a failure to do so would properly be characterized as 'deliberate indifference' to constitutional rights."**

Standard set: YOU MUST TRAIN

POPOW vs CITY OF MARGATE (U.S. District Court)

We hold that firearms training was inadequate and must include “moving targets”, “low or adverse light shooting”, “residential”, “deadly force decision-making”, instruction on State Laws, City Regulations, policies on shooting and **do so on a continuous basis**.

In addressing the City of Margate’s liability with respect to firearms training the court noted that the officer involved testified in his deposition that he was initially trained on deadly force at the police academy ten years prior to the shooting. **His continued firearms training with respect to firearms consisted of going to a range twice a year.** The court noted that there was no training with respect to low light conditions, moving targets or firing in residential areas. The court concluded that it was entirely foreseeable that an officer from the City of Margate, a largely residential area, would have to pursue a fleeing (moving) suspect at night (low-light). The court remanded the case back to the trial court after deciding that a jury could find the training provided by the City of Margate was grossly inadequate. **Annual or semi-annual qualification courses are simply insufficient for purposes of assisting officers in making deadly force decisions and for purposes of avoiding liability.**

Standard set: You must train often and in adverse conditions

Zuchel vs. City and County of Denver, Colorado (U.S. Court of Appeals)

The jury awarded damages finding that the department's training program, which constituted only a movie and a lecture on the use of deadly force, to be constitutionally inadequate. Federal appeals court upheld this result, finding that the training provided was inadequate and indicated that the city was "deliberately indifferent" to the need for more training on the use of deadly force. The court found sufficient evidence to show that the officer's use of deadly force was unjustified. The appeals court criticized the city's lack of "live-fire shoot/no-shoot drills" providing practice on when to shoot or not to shoot. "Viewing the above evidence most favorably to plaintiffs," the court concluded, "it is clearly sufficient to support the jury's determination that the Denver police training program in place prior" to the shooting "was inadequate, and that a direct connection existed between the inadequacy and the shooting." The court held that Denver Police Department was "Deliberately Indifferent" to the need for better firearms training of its officers and stated that this inadequate training led to an officer's fatal shooting of an unarmed citizen.

Standard set: You must train in live fire decision making drills

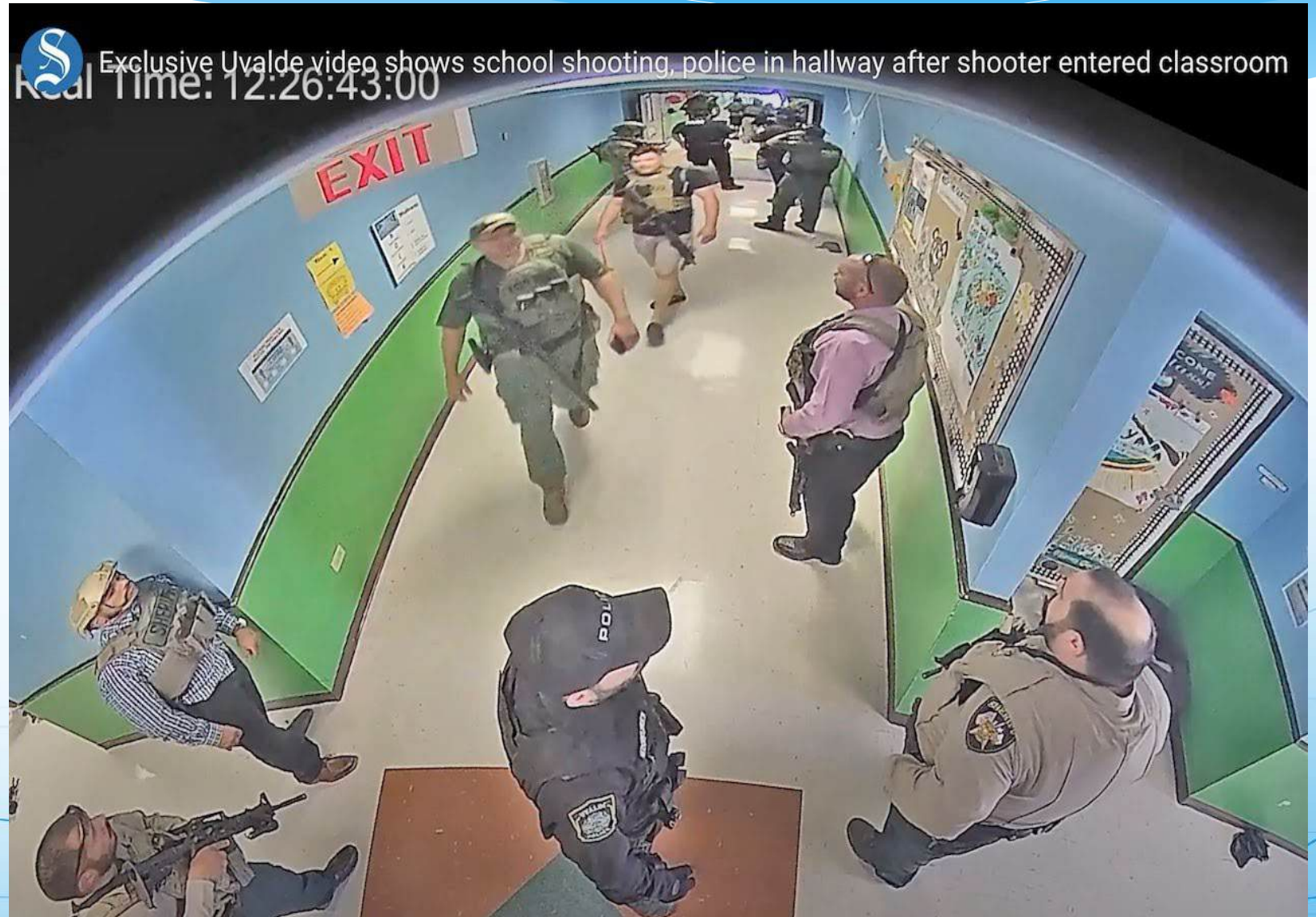
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- The City of Fontana agreed to pay the parents of Daverion Kinard, who was fatally shot by a police officer during an attempt to arrest him, **\$1 million** to settle the case.
- The family of Alton Sterling, a man who was shot and killed by an officer outside of a convenience store in 2016, will be awarded **\$4.5 million** by the City of Baton Rouge.
- The Honolulu City Council voted to pay **\$1 million** to settle the wrongful death lawsuit of Cameron Johnson, a 19-year-old who was shot and killed in 2017 during an officer's investigation of a stolen vehicle.
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Uvalde, TX

- 19 students
- 2 teachers



AA

🔒 npr.org



npr

❤️ DONATE

Uvalde elementary school shooting

Uvalde survivors file a \$27 billion class-action lawsuit against police and others

DECEMBER 2, 2022 · 5:01 AM ET



Jaclyn Diaz





**The Default Response:
It's Not What Ms. Bowie
Wanted**



public to be able to study and appreciate the value of wildlife and its preservation; and,

3. The governing authorities of the City of Fairview shall be permitted to make such improvements to said real estate as are reasonable and shall be permitted to liquidate any portion of said property which would not diminish the utilization of said premises as a wildlife preserve and/or park, the funds derived therefrom to be reinvested into improvements made to said real estate; and,

4. The City of Fairview shall not permit, except upon specific approval, the sale, distribution, and/or utilization of alcoholic beverages and/or non-prescriptive drugs on the premises herein described; and,

5. The City of Fairview shall not permit the use of firearms (except by law enforcement officials), fireworks, and/or any other utilization that would damage and/or present injury to the wildlife and/or persons utilizing the property herein described; and,

6. The City of Fairview shall specifically prohibit hunting on the premises herein described; and,

7. The City of Fairview shall strictly govern the use of fire on the premises herein described so as to diminish the possibility of damage to the property; and,

8. The City of Fairview shall be permitted to construct such improvements as are reasonable and necessary on the premises in pursuit of the purposes herein described, and additionally, the City of Fairview shall be permitted to construct in areas that would not detract from the purposes for which this conveyance is made municipal buildings and/or other improvements (i.e. fire station, city hall, etc.) necessary to the operation of said City; and,



The Real Cost

