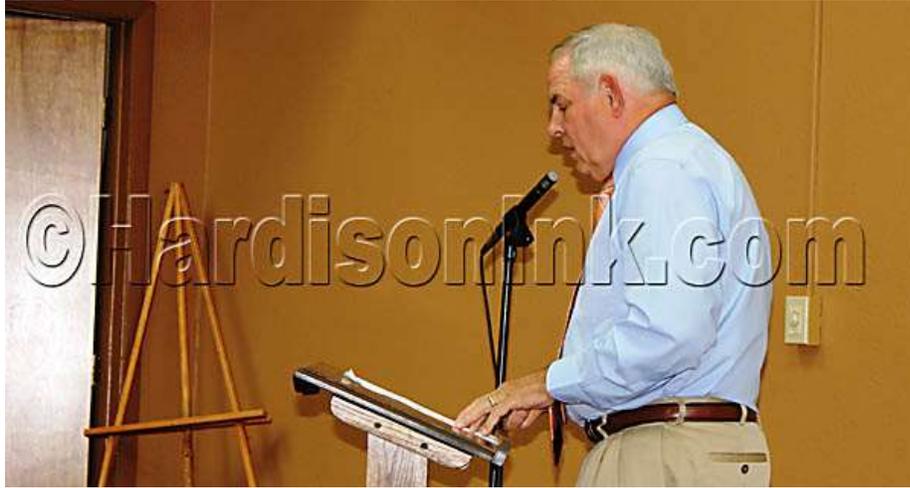


## **Fanning Springs buys about \$30,000 worth of nothing; City Council orders Ron McQueen reinstated as fire chief**



**Fanning Springs Fire Chief Ron McQueen gives a report to the City Council.**

**Story, Photos and Video By Jeff M. Hardison © Sept. 14, 2016**

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**FANNING SPRINGS** -- The bills are still coming in, and the calculator has some tallying to go (ka-ching), but the tentative projected cost of a gamble on what a law means by Fanning Springs Mayor Howell E. "Trip" Lancaster III looks like it will cost the city between \$25,000 to \$30,000, according to information released during the City Council meeting on Tuesday night (Sept. 13).

Lancaster interpreted a Florida law to mean something that it did not mean, and after he suspended Fanning Springs Volunteer Fire Chief Ron McQueen as a result of Lancaster's conceptualization, the fire chief contested that suspension.

And the delays in resolving the issue led to it taking nine months before the final answer was given. Mayor Lancaster after first making the decision said that he felt it was something he needed to do, because he thought that is what the law called on him to do. Back then, he asked, what if his interpretation of the law was correct and he did nothing?

On Tuesday night (Sept. 13), however, the Fanning Springs City Council unanimously agreed with the hearing officer's rulings on this matter.

On a motion by Fanning Springs City Councilwoman Jane Nogaki, seconded by Councilwoman Barbara Locke, and with positive votes from Council Chairman Paul Chase, and Councilman Ron Queen and Councilman Tommy Darus, the City Council followed the recommendations of Hearing Officer David W. Wagner, Esq.



**Fanning Springs City Council  
Chairman Paul Chase**

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**City Councilwoman  
Jane Nogaki**



**City Councilwoman  
Barbara Locke**



**City Councilman  
Ron Queen**

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**City Councilman Tommy Darus**



**Mayor H.E. 'Trip' Lancaster III and City Attorney Jamie L. White**

The City Council ruled that it is:

- Reinstating Chief McQueen as the voluntary fire chief of the fire department comprised of volunteers;
- Overturning Mayor Lancaster's determination that an amended Florida Statute requires Volunteer Fire Chief McQueen to have obtained a Firefighter II certification rather than a Firefighter I certification to be the chief of a volunteer fire department;
- Overturning Mayor Lancaster's determination that Fire Chief McQueen can be disciplined by the mayor as an employee for failing to update a fire personnel roster;
- Vacating Fire Chief McQueen's 30-day suspension without pay and his demotion from volunteer fire chief to volunteer firefighter;

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- Paying the \$11,950 legal fees (and \$92 worth of fees for copies) McQueen incurred defending himself from the suspension and demotion; and
- Reimbursing the chief for his lost stipend and benefits (including the payment to the Florida Retirement System).

In making her motion, Councilwoman Nogaki said the determination of the amount of the loss from not being on calls for a month of suspension will be based on an average of calls to which he had responded during the prior six months to that time.

Councilman Darus questioned if McQueen as a volunteer chief is entitled to the city paying for his Florida Retirement System benefits. Attorney Sunshine Baynard, who represented Chief McQueen, told Darus that there is case law and there are other departments using that as one of the minimal methods to compensate a volunteer fire chief. Baynard contends that case law supports this action by the city for its volunteer fire chief.

Darus asked the attorney to please provide him with case law citations. Baynard said she would do so.

Darus then asked if McQueen was reimbursed for calls.

During the nine months that it took the city to respond to the question of the suspension, there was a period when he was inactive for 30 days due to Mayor Lancaster's command -- and then McQueen was allowed to serve as a regular volunteer firefighter.

While Darus voiced his opinion that he felt the 30-day suspension should not be compensated, and although Darus questioned whether the city could pay for Florida Retirement System benefits for a volunteer fire chief, he voted in favor of the motion, just as his four colleagues voted in favor of the multi-part motion.

One woman who failed to identify herself before she spoke said she never heard why McQueen did not have Firefighter II certification.

She was told by Councilwoman Nogaki that the hearing officer determined from all of the facts and evidence presented that in Florida a Firefighter I certification is enough to be a volunteer fire chief.

The woman surmised, according to gossip she reportedly heard, that McQueen could not pass the test. There was audible groaning throughout the council meeting room at that point.

She then asked if he would be able to carry her out of a burning building if she was in it.

Fanning Springs Deputy Fire Chief Elania Spain tried to help the confused woman understand by explaining to her that the majority of firefighters in the Tri-County Area of Levy, Dixie and Gilchrist counties are volunteers.

"So if they are going to you," Spain said to the unidentified complainer, "they are going to be a volunteer. So, do you want nobody to show up or do you want a volunteer to show up?"

The woman then said she lives in Levy County, in response to Deputy Chief Spain mentioning firefighters coming from Gilchrist County. The same situation exists throughout the Tri-County Area.

Spain let the woman know that the volunteers in Fanning Springs "Are just as good as any paid firefighter there is."

"I'd put our volunteer department up against anybody's on a structure fire," Spain continued. "And if you look around at the surrounding areas, talk to the career fire chiefs and ask them who is the best, dependable fire station that they know they've got personnel that are going to work right beside their career people, and they will tell you 'Fanning Springs Fire Rescue.'"

Roger Nogaki of Fanning Springs said the woman had a good question, but she apparently did not have any understanding of the fire service in the community, and the difference between paid and volunteer firefighters.

Chief Nogaki was in charge of a 55-member volunteer fire department up north years ago. He gave a speech about the volunteer firemen who run into a dangerous situation while others are told to run away -- and they do it at all hours, on holidays.

Volunteer firefighters in Fanning Springs risk their lives every single day to help people in

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this community, he said, and they do so without pay.

Later in the meeting, it was asked when Fire Chief McQueen could expect repayment from the city. There was no clear answer but it seemed that the payment will occur within the next 30 days.

Also later in the meeting, Chief McQueen answered a resident who asked how much money the city lost as a result of Mayor Lancaster suspending McQueen and continuing to fight to keep his decision firm.

With fees from short-term City Attorney Ray Earl Thomas, the first Hearing Officer Attorney M. Michael O'Steen, Hearing Officer Wagner and other attorney fees, McQueen estimated it will cost the city between \$25,000 to \$30,000 altogether for Lancaster's error.

When Chief McQueen spoke about this matter during his time to address City Council for his report on the fire department, he said nine months is too long for the city to have to deal with personnel issues for a volunteer.

He asked that Fanning Springs City Attorney Jamie Lynn White of the Dell Graham Gainesville Law Office create a better process to deal with this type of issue in the future.

White came under fire a bit during another part of the meeting. At least one resident asked about the mayor's salary being increased to \$14,000 a year during Mayor Cheryl Nekola's administration – and carrying forward with Mayor Lancaster – when there was no ordinance to increase it.

White said the spirit and intent of the raise was reflected by budget notations, but that the charter does require this increase to be by ordinance. White said an ordinance can be drafted and adopted to meet that requirement of the charter.

As for the Fanning Springs City Charter, former Fanning Springs City Attorney Conrad C. Bishop Jr. of Perry -- who had been the city attorney since 1988 up until he resigned suddenly in February of this year – had mentioned the charter was in need of improvement.

Bishop's resignation and the hiring of the Dell Graham Gainesville Law Office has resulted in a significant increase in the annual budget for legal fees. The former attorney had given the city an extraordinary discount on fees over time.

As for what may become known as Lancaster's Folly, the suspension of Chief McQueen is now clearly an expensive mistake.

Dana Sheffield, a Fanning Springs resident who comments on occasion at City Council meetings, said he hopes that the city can now return to its previous status quo of a smooth operating volunteer fire department.

Chief McQueen has said this action by the mayor did affect the morale of the department. That chapter in the city's history, however, appears to now be over.