

Michelle Adkins  
390 Panamint Road  
VC Highlands, NV 89521

(775) 847-7097

Storey County Staff and Council,

I am a neighbor of Tom and Midge Taormina. I would like to submit the following timeline of events that transpired at 370 Panamint Rd, VC Highlands for review and verification. Please have staff review and submit for public record at your earliest convenience.

I would appreciate it if the items included in this timeline would be considered when “negotiating” with the Taormina’s. In my opinion I don’t know what there is to negotiate? The Taormina’s have disobeyed the law and must be held accountable for their actions. The laws and codes are in place to protect people and their properties. Throughout the past few years my neighbors and I have had to defend our properties against something that Storey County should have taken care of years ago. Please pay special attention to the events and correspondence that occurred between the dates of 7/15/2008 thru 7/17/2008 along with their supporting exhibits – Exhibits 16 thru 19. If that is not blatant, I don’t know what is.

And we begin...

10/13/1997 – Virginia Carrington wrote a letter to the Planning Commission in concern of towers being erected at 370 Panamint Road. **See Exhibit 1**

2/24/1998 – HRPOA filed their revised Architectural Guidelines with Storey County. In these guidelines it states *“Antennae of any type may not extend more than fifteen feet above the house roof ridge regardless of where the antenna is installed on the property.”*

7/1999 – Storey County Code Change 17.12.044 – Height of Buildings went into effect limiting towers. It states that towers *“...may extend not more than forty-five feet above grade level, provided the same may be safely erected and maintained at such height in view of surrounding conditions and circumstances.”*

11/28/2000 – Rick McDowell of the Storey County Building Department visited with Midge Taormina (apparently Tom was not home) Left a copy of page 17 of the revised Storey County Building Codes. In this letter, Tom admits that he is now aware of the building code change. Also admits the sizes of his towers at that time and that he was told that the larger tower (80’ HAAT at the time) would be “grandfathered” in. **See Exhibit 2**

4/13/2001 – A letter sent to Mr. Taormina from Lydia Hammack of the HRPOA. In this letter Lydia explains to Tom the antennae wording in the Architectural Guidelines. She also enclosed a copy of the Architectural Guidelines and explained that one of his towers would be grandfathered in under the old guidelines. She stated *“Any antenna installed after February 24, 1998 must be removed or lowered to comply with the*

guidelines.” In this letter Lydia also made reference to the revision of the County Building Codes in July 1999. **See Exhibit 3**

6/9/2001 – County record - HRPOA filed new Architectural Guidelines

Architectural Guidelines include wording on page 3 – “Antennae of any type may not extend more than fifteen feet above the house roof ridge regardless of where the antenna is installed on the property.” **See Exhibit 4**

5/4/2003 – Taormina ordered to pay HRPOA attorney fees, costs incurred and interest. **See Exhibit 5**

Problem - The HRPOA Finally received payment 8+ years later.

10/14/2003 – Courts denied the motion to stay award of costs and attorney’s fees. Tom needs to pay back the money to the HRPOA. **See Exhibit 6**

2001-2007 – Many towers were erected, taken down, modified or moved, some were even erected on neighboring properties. **See Exhibit 7**

Problem - How could the County allow Tom to erect illegal towers after being warned of the code change? How could the County allow Tom to erect illegal towers on neighboring properties? These structures not only violated neighboring properties, but also Storey County codes and NRS codes.

4/25/2008 – Tom sent the monopole towers to the paint shop. **See Exhibit 8**

6/2/2008 – Tom visited the painter. **See Exhibit 8**

6/2/2008 – Letter (assuming it is the “Wet Stamped” seal in Tom’s application) Signed and sealed by Timothy Wolden of Artisan Engineering. **See Exhibit 9**

Problem 1 - Timothy’s stamp is an Oregon stamp. Timothy is not licensed in the State of Nevada which is where the towers are located. Why did the building department allow this?

Problem 2 - Timothy states that he used a wind loading value of 80 mph. Doesn’t Storey County Code call for 85 mph?

6/7/2008 – Towers are delivered to 370 Panamint Road. **See Exhibit 8**

Problem - Kind of put the cart before the horse. Tom bought the towers before having a building permit.

6/8/2008 – Official complaint from Michelle Adkins to Craig Chancellor – President VC Highland Ranches POA for further action. **See Exhibit 10**

6/10/2008 – Michelle Adkins visited the Storey County Building Department to question them about the tower delivery at 370 Panamint and was told that there was nothing they could do. I explained to them that they were structures and should require a permit. They again said that there was nothing they could

do. The lady at the front desk also said that there were other complaints that day in regards to the poles that had been delivered at 370 Panamint Road.

Problem – Why then did Tom apply for a building permit?

6/24/2008 – Buddy Morton submitted a Nuisance Complaint to the County Commissioners Office in Storey County. **See Exhibit 11**

Problem (same applies to Michelle Adkins' complaint below)– To date nothing has been done with this complaint. According to NRS 244.360 - “Whenever a written complaint is filed with the county clerk alleging the existence of a nuisance, as defined in NRS 40.140, within the county, the county clerk shall notify the board of county commissioners, who, except as otherwise provided by subsections 5 and 6, shall forthwith fix a date to hear the proof of the complainant and of the owner or occupant of the real property whereon the alleged nuisance is claimed to exist not less than 30 nor more than 40 days subsequent to the filing of the complaint.”

6/27/2008 – Building permit # 8354 was issued after the county had received complaints about the existing towers and proposed new towers. **See Exhibit 12**

Problem 1 - No height and no limitations are specified on the permit.

Problem 2 - The “Total Valuation” is listed at \$5,000. Didn't Mr. Taormina's attorney say that Tom had \$65,000.00 invested in them? Were the proper fees paid?

Problem 3 - Did any building inspector ever sign the permit? The copy that I can find does not have an inspector signature.

7/1/2008 – (interesting that it is just 5 days after the permit was issued) DDA Laura Grant drafted a letter saying that she recommends that the County is entitled to enforce its height limits at 45'. **See Exhibit 13**

7/7/2008 – (6 days after Mrs. Grant sent her letter) Dean Haymore sent a letter to Mr. Taormina stating that he must obtain the required Variance on height **before** he may continue under Permit #8354. **See Exhibit 14**

7/8/2008 – 11:00 am - Phyllis Blake & Michelle Adkins had a meeting with Dean Haymore, Pat Whitten & Laura Grant in Dean's office to discuss the towers. In that meeting, after being told repeatedly that Tom's towers were not classified as “structures”, Michelle Adkins had to get Dean Haymore to read the Storey County Building Code definition of “structure” and to admit that Tom's towers were in fact “Structures” according to the SCC definition of “Structure”.

Problem 1 – Why would a resident of the county have to get the head of the Building Department to read the County Codes and get him to understand the meaning of the code that he is required to enforce?

Problem 2 - Dean Haymore's department is the one that physically went to the Taormina's residence back in 2000 and handed them a copy of the very same codes.

Problem 3 – I was told on many occasions by different County personnel that the County revised its codes back in 1999 as a direct result of what was being erected at 370 Panamint?

7/11/2008 – Michelle Adkins submitted a Nuisance Complaint to the County Commissioners Office in Storey County. **See Exhibit 15**

7/15/2008 – Crane present at Taormina property supposedly for “Maintenance” and to remove the tower on the Meade property and the concrete guy wire anchor on the Blake property. Dean Haymore emailed Tom and warned him stating “I understand you have a crane out there working. I once again advise you to cease work on those towers until we get this worked out thru the DA’s office. My only other option is to issue an STOP WORK ORDER.” **See Exhibit 16**

7/16/2008 – Code Compliance Inspection Report issued by Shannon Gardner on permit #8354. States that *“Owner has been advised that Storey County now is of the opinion that a Special Use Permit is required for the construction of towers over 45’ in height, that towers are defined as structures in Storey County Code and therefore are subject to set-back requirements. A Special Use Permit has not been applied for at this time. Owner has been advised that continued construction of tower components is at own risk, and that the erection of towers over 45’ in height with anchors encroaching set-backs may not be approved by Storey County Officials.”* **See Exhibit 17**

7/17/2008 – Tower #1 that was supposedly erected in 1997 was raised from 70’ to 140’. This is one day after being issued a Code Inspection Report listed above. **See Exhibit 18**

Problem 1... The Taormina’s WERE fully aware of what they were doing and knew exactly what they were trying to get away with. ). This tower should NOT be allowed to stay in its present state. If it is allowed to stay, I would like to ask if this kind of action is acceptable to Storey County?

Problem 2... Was the base for this tower designed for the additional height of this tower?

7/17/2008 – Stop Work Order issued stating Storey County Ordinance 15.12.010 – Building Permit Required – *“It is unlawful for any person, corporation, municipal corporation, association, club, business trust, estate, or any group combined thereof to erect, construct, relocate, or alter any sign, building, or structure within the county without first obtaining a building permit from the building official.”* **See Exhibit 19**

8/12/2008 – Submitted a petition with 106 signatures against the towers to Pat Whitten.

9/9/2008 – Email to Dean Haymore including pictures of trespasses and easement violations that occurred that day. **See Exhibit 20**

10/4/2008 – Man working on tower. Email sent to Dean Haymore 11/13/2008. **See Exhibit 21**

-Also see TDXS Society August 2008 – In Tom’s own words “...he must get retroactive permits for all existing towers! This even precludes maintenance and repair of existing installations!” **See Exhibit 22**

Problem – See Storey County Code 15.12.010 definition.

1/1/2009 – Buddy Morton sent letter to the Storey County Commissioners and Storey County Assistant District Attorney in regards to code violations. Specifically SCC 17.8.010, SCC 17.88.020, SCC 15.08 & NRS 244.360. **See Exhibit 23**

1/9/2009 – Buddy Morton sent a letter to the County Recorder, the County Commissioners, the County Manager and ADA Laura Grant, referring to the abatement of nuisance. In his letter he sites NRS 244.360, NRS 40.140, SCC 17.88.010, SCC 17.88.020. **See Exhibit 24**

7/30/2009 – Crane in use at 370 Panamint under the assumption that “maintenance” was being performed. In an email quote from Shannon Gardner “Some antennae on existing towers are damaged or have blown down from winds. Damaged antennae will be replaced with new antennae. I am told by Mr. Taormina that new antennae will be of higher quality to withstand our wind speeds.” **See Exhibit 25**

Problem 1 - Tower #1 (the one that was illegally raised on 7/17/2008) suddenly had an antenna attached to it... after the tower was raised to 140’ and prior to this date, there was never an antenna on that tower. This would not be considered “maintenance”, it would be classified as an alteration and also modifying without proper permits on an illegal tower. This also proves that Tom is not 100% truthful with his statements to the County in regards to his plans. Note that we do have pictures to prove this.

Problem 2 - Are these towers really safe??? Antennas have “blown down from winds”!!!!?  
Really?? Note that this IS a residential neighborhood and we do occasionally get very windy days.

Problem 3 - All of the towers over 45’ are ILLEGAL STRUCTURES. None of these towers/antennas should have been there to begin with.

Note: Please see [http://www.consultpr.com/Repairs\\_2009.htm](http://www.consultpr.com/Repairs_2009.htm) in regards to this maintenance. Please take note of the pictures with all the wires hanging on the side of a wooden structure (is that to code?) **See Exhibit 26**

07/2009 – According to the Storey County Recorders Web-site, apparently this is the last time the Taormina’s made a payment on their mortgage. They are now in default, dragging their neighbors and the County through this process, a process of which should have been taken care of years ago. **See Exhibit 27**

8/9/2011 – The Taormina’s **FINALLY** satisfy the judgment against them from when they sued the HRPOA, and lost. That judgment was entered on May 7, 2003. Total amount they paid the HRPOA \$11,656.85. **See Exhibit 28**

2008 to current – Many more e-mails, letters, pictures have been recorded and documented. They can be supplied upon request.

??/??/20?? – letter from NDF explaining there is no danger to Virginia City Highlands residence in the event of a forest fire and their properties being able to be properly protected.

Problem 1 ... No letter on record



Problem 2 ... Panamint Road and Highland Road are designed to be fire breaks for Virginia City Highlands. These roads cannot be properly protected if air assault is necessary.

??/??/20?? – Calculations generated on all of the antennas placed on the towers.

Problem 1 ... Just recently, (January 4, 2012) Taormina did some “repairs” on a couple antennas that had been damaged in the winds. A piece of one of the antennas was actually dangling off the tower by a wire on what Tom calls “Tower #1”. What if one of those antennas became airborne in the 85 mph winds the towers are “supposed” to be designed for? Let me remind you that this is a residential neighborhood. I live on the side of the Taormina’s where the prevailing winds would blow airborne debris. The higher the tower, the further the debris will travel.

In a quote from Shannon Gardner on 7/30/2009 (**Exhibit 25**) – “I am told by Mr. Taormina that new antennae will be of higher quality to withstand our wind speeds.” **See Exhibit 29** .... This is the antenna that was put up (illegally) on TOWER #1 7/30/2009. Maybe the quality is not so great after all??? How about the antennas that are not "High Quality"?

??/??/20?? – Date taxes were assessed and paid on towers. I am taxed on my split rail fence, how much are the Taormina’s taxed on their towers and anchors?

??/??/20?? – Fines assessed for violations.

Problem... Never been fined. Please address this in a public forum.

The deliberate and unlawful actions by the Taormina’s over the last 12 years have been blatantly calculated and have been executed under Storey County’s watch. These towers are in direct violation of Storey County and NRS codes. These violations are unacceptable and require action. As a law abiding citizen of this county, I am asking for my rights to be observed and for the violators to be punished, not negotiated with.

Thank you for your time, I know this is somewhat lengthy, but I feel that this is a very important matter and sets a precedent for the future my neighborhood and Storey County.

Sincerely,



Michelle Adkins