

BOARD OF APPEALS
COUNTY OF HAWAI'I

MINUTES
SEPTEMBER 5, 2008

The County of Hawai'i Board of Appeals met in regular session at 10:05 a.m. in the Department of Liquor Control Conference Room, Hilo Lagoon Centre, 101 Aupuni Street, Suite 230, Hilo, Hawai'i, with Chairman Joel Gimpel presiding.

PRESENT: Joel Gimpel
David Drury
Charlene Hart
Pete Hendricks
Karen Maedo
Kim Tavares

Renee Schoen, Counsel to the Board
Alice Kawaha, Staff to the Board

PUBLIC STATEMENTS There was no one wishing to make a public statement.

BOA 08-000063 The Board took this item up at 10:07 a.m. with
RESOLUTE INC. no one from the public in attendance.
HOLUALOA,
NORTH KONA

PETITIONER: RESOLUTE INC. (BOA 08-000063) - Action relating to the Appeal of Decision by the Planning Director dated March 17, 2008 denial for additional farm dwelling agreement application. The subject property consists of 500.734 acres and is located within Waiono Meadows Ranch Subdivision, Lot 10-A-1 Condominium Project, approximately 2.25 miles east of the intersection of Waiono Meadows Drive and Mamalahoa Highway, Holualoa, North Kona, Hawai'i, TMK: (3) 7-6-1:1.

Ms. Schoen represented to the Board that Amy Self, the Planning Director's attorney, has requested the matter be continued to the next meeting of the Board to allow the parties an opportunity to finalize the settlement agreement and for the Appellant to submit a withdrawal of the appeal.

It was moved by Mr. Drury and seconded by Ms. Tavares that the matter be placed on the Board's October, 10 2008 agenda. Motion was unanimously carried by a voice vote of all members in attendance.

CIVIL 07-1-261K,
SUPREME COURT 29192
PLANNING DIRECTOR
VS. BOARD & EDMUND
JIN & EVA LU
OLELOMOANA 2ND,
SOUTH KONA

The Board took this matter up at this time, 10:09 a.m.

EXECUTIVE SESSION (closed to the public). The Board anticipates convening an executive meeting regarding Christopher J. Yuen, Planning Director, vs. Board of Appeals and Edmund Jin and Eva Y. Lu; Civil No. 07-1-261K, Supreme Court No. 29192, for the purpose of consulting with the Corporation Counsel and/or its attorney on questions and issues pertaining to the Board's powers, duties, privileges, immunities and liabilities.

The Board went into executive session by a motion made by Ms. Maedo, seconded by Mr. Drury, and unanimously carried by a voice vote of all Members in attendance to consult with its attorney on questions and issues pertaining to the Board's powers, duties, privileges, immunities and liabilities.

The Board came out of executive session by a motion made by Mr. Hendricks, seconded by Ms. Tavares, and unanimously carried by a voice vote of all Members in attendance.

MINUTES

The Board took up the following minutes at this time, 11:11 a.m.

August 8, 2008 – It was moved by Ms. Tavares, seconded by Ms. Maedo, and unanimously carried by a voice vote of all Members in attendance, that the minutes be approved as circulated.

ADMINISTRATIVE
MATTERS

The Board took up administrative matters at this time, 11:12 a.m.

Status of appeals filed on Board of Appeals decisions - Corporation Counsel – Ms. Schoen had nothing new to report.

Other Board matters – There were no other Board matters brought up at this time, 11:13 a.m.

ANNOUNCEMENTS

The following announcements were made.

Appeal regarding Marlene E. Calvert/BOA 05-000014 – Ms. Schoen gave a brief description of the appeal to the Supreme Court.

HCPO – Ms. Kawaha provided some travel information regarding this conference to those Board Members attending the conference.

ADJOURNMENT

There being no further business the Chair declared the meeting adjourned at 11:18 a.m.

Respectfully submitted,

Sharon M. Nomura, East Hawaii Secretary

A T T E S T:

Joel Gimpel, Chairman
Board of Appeals