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## Court schedules Anderson Twp. mine hearing

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A court hearing on the future of a proposed underground limestone mine near the intersection of Broadwell and Round Bottom Roads in Anderson Township has been scheduled for Tuesday, Dec. 21.

Three communities and dozens of residents filed an appeal asking the Hamilton County Court of Common Pleas to reverse the Anderson Township Board of Zoning Appeals June 2 decision approving a conditional use permit and zoning variances to allow the Martin Marietta Materials mine.

Attorneys for all parties met with Magistrate Michael Bachman Oct. 12 to discuss the future of the case and set a schedule to hear the four motions filed on Oct. 8.

The three communities - Indian Hill, Terrace Park and Newtown - filed a joint motion with mine opposition group Citizens Against Blasting On Our Miami to vacate judgment. Terrace Park Solicitor Bob Malloy explained later that the motion states the Board of Zoning Appeals attempted to rule on various zoning amendments that were outside of its jurisdiction.

Martin Marietta filed three motions on Oct. 8 to dismiss the appeals of all three villages, to dismiss the township Board of Zoning Appeals as an appellee and to dismiss Citizens Against Blasting On Our Miami (CABOOM) as one of the appellants.

CABOOM filed its case jointly with 63 residents and business owners near the proposed mine site.

Anderson Township filed six boxes of transcripts, and exhibits for the case in early September, but attorneys disagreed on what constitutes the official record.

Dick Brahm, attorney for Martin Marietta, said plans, e-mails and letters should not have been included.

"These don't constitute evidence or the record," Brahm said.

Tim Mara, attorney for CABOOM, argued the court could rule on the motion to vacate judgment because it does not involve the record.

Bachman said the attorneys for all parties must agree on what is part of the record for the Martin Marietta mine case before proceeding with the appeal.

If any major issues arise or the attorneys can't agree, Bachman said he would entertain other motions about the record after hearing the motions to dismiss and to vacate judgment.

The appeals of Indian Hill, Terrace Park and Newtown were consolidated with the appeal from CABOOM, residents and business owners in early September.