



UPPER ARLINGTON TRASH COLLECTION

City protests residents' petition

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Upper Arlington city officials don't want residents to vote on the City Council's decision to privatize trash collection.

The city filed a protest Friday with the Franklin County Board of Elections against the petition drive that put Issue 52, which seeks to reverse privatization, on the Nov. 4 ballot.

The city disbanded its Solid Waste Division and hired Texas-based Inland Service Corp. to handle trash collection. Many residents say Inland does substandard work, but city officials say initial problems were solved and the collection now meets standards set by former city workers.

The Board of Elections sent letters to the city and petitioners yesterday afternoon inviting both sides to Monday's board meeting to present their positions, board spokesman Ben Piscitelli said.

"The board will decide what to do: remove it from the ballot, or take no action and it will remain on the ballot," he said.

"This happens from time to time, usually on something like a local liquor option, but nothing sticks out as memorable as a major issue being invalidated by a protest," Piscitelli said.

Michael Schadek, a resident and lawyer who led the petition drive, said he was shocked and upset by the city's protest.

"This is huge, and it's a sad day in Upper Arlington when we have our City Council and city attorney spending taxpayers' dollars to try to prevent residents from voting on Nov. 4," he said. "This is last-minute legal maneuvering, trickery. It can't succeed."

Upper Arlington City Attorney Jeanine Hummer said the citizens' initiative doesn't meet legal requirements.

The protest lists 14 reasons why it does not, including: It does not propose a measure that is legislative in nature, and its language is too indefinite to accomplish a legislative action.

"There's a process in place to put something on the ballot," Hummer said. "You have to follow the statutes and do it correctly. If it's not, it shouldn't be on the ballot."

There also are practical reasons why the issue should be pulled, she said.

A vote for reversing privatization puts the city at risk because it could have to pay damages to the contractor, Hummer said. In addition, although contract law protects the city's decision on trash collection, she said, it would be costly to have to go to court for that ruling.

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