



## UA trash dispute gets on ballot

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An initiative from Upper Arlington residents seeking to overturn the city's hiring of a private trash-collection service is still headed for the Nov. 4 ballot after the Franklin County board of elections took no action to stop it tonight.

City officials had protested the residents' petition, whose aim is to revert to the former city-run trash collection. After 90 minutes of testimony, the board made no motion to take action, thereby letting stand Issue 52.

Upper Arlington officials, while disappointed, said they plan to take their fight to the Ohio Supreme Court.

"It's our hope that we will continue to challenge this matter," City Attorney Jeanine Hummer said.

If the initiative were to pass, the city would be required to sever its contract with Texas-based Inland Service Corp., and could be subject to a breach of contract lawsuit, Hummer said.

"The potential for damages in a severed contract would be enormous," she said after the meeting.

The city disbanded its Solid Waste Division late last year and hired Inland to handle its trash collection. Many residents complained that Inland's service isn't adequate. The city said early problems with the company have been resolved.

Proponents of the petition were thrilled by the elections board inaction.

"I'm very happy that we get to vote now," said Michael Schadek, a resident and lawyer who spearheaded the petition drive.

The city's legal consultant on the protest, Donald J. McTigue, argued that such referendums are only to be used for legislative matters. He said the City Council's decision to hire a private contractor is an administrative issue.

McTigue called the petition wording sloppy, imprecise and lacking adequate signatures.

Attorney Jim Becker, who represented Schadek, said that even though some of McTigue's challenges might be correct, the number of signatures was above the 1,355 needed for the November ballot.

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