

## Upper Arlington Challenges Ballot Initiative on Trash

Sam Hendren, WOSU Reporter

COLUMBUS, OH (2008-09-04) Trash has been a contentious issue in Upper Arlington ever since the city council privatized solid waste collection. Some residents want the city service back and they are trying to get the issue on the November ballot. But the City of Upper Arlington is challenging the ballot initiative.

The petitioners needed 1,354 signatures to get the initiative on the November 4th ballot. They collected more than 2,000. The initiative calls for an end to private trash collection in Upper Arlington and a return to trash pickup by city employees.

Mike Schadek describes himself as the leader of the trash initiative. He says the old city system, which ended in April, was one of the best in the nation.

"Last year in 2007, the City of Upper Arlington decided to look at whether to privatize the system or not," Schadek says. "And what they did, they convened a task force of residents and they studied the issue for a year. Well what city council did was to ignore that task force and decided to privatize."

So in January Schadek and others began collecting signatures for a ballot initiative requiring an end to private pick-up and a resumption of the city service. The petition was certified by the Franklin County Board of Elections. But Upper Arlington officials say the petition is full of errors and on August 29th they filed a protest. Ben Piscitelli is a spokesman for the board of elections.

"The complaint has a number of objections," he says. "Some are as basic as saying it looks as though one person signed for another. In other cases they're saying the person who signed doesn't live at the address that was listed. They say the dates are lacking as well in some areas. So there are some very basic complaints about this. And also some very technical legal arguments that the City of Upper Arlington is making."

Beyond that, Upper Arlington's city attorney Jeannine Hummer says flatly that the initiative is not legal.

"I believe that the voters have the right to vote on something that is clear and legal," Hummer says. "This is not a legal initiative."

The City says it's saving about \$200,000 a year with the new privatized system. But the city's legal challenge, according to Mike Schadek, means the issue is no longer solely about trash.

"Now we have a much more serious issue," Schadek says. "And now the stakes have been raised significantly. Not only is it a constitutional right to vote, we have a serious problem and a dangerous problem when your city council and your city administrator want to spend your tax dollars to keep residents from voting on the issue. It's wrong and it's really an abuse of power, we feel, by the city counsel and city attorney to take this action."

But city attorney Jeannine Hummer says protecting the city's interests is more important.

"As the city attorney, I'm charged with the duty to protect and defend the city and if I believe that the city's assets and financial stability is in jeopardy by something that individuals have decided to do, I believe it's my duty to make sure that the city's protected," Hummer says.

The board of elections has agreed to consider the complaint at its next meeting on September 8th.

© Copyright 2008, WOSU