

**AGENDA**  
**REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE VILLAGE OF MORTON, ILLINOIS**  
**7:00 P.M.**  
**TUESDAY, JANUARY 6, 2020**  
**FREEDOM HALL, 349 W. BIRCHWOOD, MORTON, ILLINOIS**

- I. CALL TO ORDER**
- II. ROLL CALL**
- III. PLEDGE OF ALLEGIANCE TO THE FLAG**
- IV. PUBLIC HEARING**
- V. PRESENTATIONS AND SPECIAL REPORTS**
- VI. PUBLIC COMMENT**
  - A. Public Comments
  - B. Requests for Removal of Items from the Consent Agenda
- VII. CONSENT AGENDA**
  - A. Approval of Minutes
    - 1. Regular Meeting – December 16, 2019
  - B. Approval of Bills.
- VIII. CONSIDERATION OF ITEMS REMOVED FROM THE CONSENT AGENDA**
- IX. VILLAGE PRESIDENT**
- X. VILLAGE CLERK**
- XI. VILLAGE ADMINISTRATOR**
  - A. Ordinance 20-23 - An Ordinance Making Amendments Regarding Cannabis to Title 12 of the Morton Municipal Code (Cannabis, Drug, and Alcohol Use/Abuse Policy).
- XII. CHIEF OF POLICE**
- XIII. CORPORATION COUNSEL**
- XIV. DIRECTOR OF FIRE AND EMERGENCY SERVICES**
- XV. DIRECTOR OF PUBLIC WORKS**
- XVI. PLANNING AND ZONING OFFICER**
  - A. Special Use Petition #19-11 SP - 1101 W. Jackson St.
- XVII. VILLAGE TRUSTEES**
  - A. Trustee Blunier
    - 1. Resolution 27-20 - A Resolution Establishing Funding for Economic Development Purposes.
  - B. Trustee Leitch
  - C. Trustee Leman
  - D. Trustee Menold
  - E. Trustee Newman
  - F. Trustee Parrott
- XVIII. CLOSED SESSIONS**
  - A. Closed Session for the Purpose of Discussing the Purchase of Real Property per 5 ILCS 120/2(c)(5).
  - B. Closed Session for the Purpose of Discussing Pending Litigation per 5 ILCS 120/2(c)(11).
  - C. Closed Session for the Purpose of Discussing Setting a Price for the Sale of Real Property owned by the Village of Morton per 5 ILCS 120/2(c)(6).
- XIX. CONSIDERATION OF MATTERS ARISING FROM CLOSED SESSIONS**
- XX. ADJOURNMENT**

**VILLAGE BOARD OF TRUSTEES  
REGULAR MEETING  
7:00 P.M., DECEMBER 16, 2019**

After calling the meeting to order, President Kaufman led the Pledge of Allegiance. The Clerk called the roll, with the following members present: Blunier, Leitch, Leman, Menold, Newman, Parrott – 6.

**PUBLIC HEARING** – None.

**PRESENTATIONS** – A Business Development Grant check was presented to Emerald City Investments and The Forge Steakhouse. Derek Grimm with Emerald City Investments and John Thomas, owner of The Forge (along with his wife Amber), gave an overview of the history of the building and the renovation and transformation into the new steakhouse and virtual shooting space.

**PUBLIC COMMENT** – Leigh Ann Brown from the Economic Development Council gave an update congratulating several businesses that have decided to locate in Morton, as well as another company that is in the process of looking at potentially locating in Morton. She gave a reminder that the EDC Annual Meeting will take place Thursday January 30 at Caterpillar Global Parts Distribution in Morton at 7:30. Registration is available at the EDC website.

**CONSENT AGENDA**

- A. Approval of Minutes.
  - 1. Regular Meeting – December 2, 2019
- B. Approval of Bills

Trustee Newman moved to approve the Consent Agenda. Motion was seconded by Trustee Leitch and approved with the following roll call vote:

Yes: Blunier, Leitch, Leman, Menold, Newman, Parrott – 6.  
No: None.  
Absent: None.

**VILLAGE ADMINISTRATOR**

Administrator Smick presented and gave an overview of the Fall 2019 Tourism Grant Round Recommendations from the Tourism Grant Committee. Trustee Newman moved to approve. Motion was seconded by Trustee Parrott and approved with the following roll call vote:

Yes: Blunier, Leitch, Leman, Menold, Newman, Parrott – 6.  
No: None.  
Absent: None.

Administrator Smick then presented Resolution 24-20 - A Resolution Adopting Policy for Fixed Asset Capitalization. She noted that putting this in place was one of the recommendations from the annual auditor's report. Trustee Leitch moved to approve. Motion was seconded by Trustee Parrott and approved with the following roll call vote:

Yes: Blunier, Leitch, Leman, Menold, Newman, Parrott – 6.  
No: None.  
Absent: None.

Administrator Smick then presented Resolution 25-20 - A Resolution Adopting Policy for Management of General Fund Balance. She noted that in addition the prior item, putting this in place was the other recommendation from the annual auditor's report. Trustee Newman moved to approve. Motion was seconded by Trustee Parrott and approved with the following roll call vote:

Yes: Blunier, Leitch, Leman, Menold, Newman, Parrott – 6.

No: None.

Absent: None.

### **CORPORATION COUNSEL**

Attorney McGrath presented Ordinance 20-22 - An Ordinance Making Amendments Regarding Cannabis to Title 6 and Title 9 of the Morton Municipal Code. He gave an overview of the Ordinance and noted it deals with issues that needed to be addressed after the state passed the Cannabis Regulation and Tax Act which goes into effect in 2020. Chief Hilliard gave an explanation of enforcement and the differences between enforcing through state statute or local ordinance. Trustee Newman moved to approve. Motion was seconded by Trustee Menold and approved with the following roll call vote:

Yes: Blunier, Leitch, Leman, Menold, Newman, Parrott – 6.

No: None.

Absent: None.

### **DIRECTOR OF PUBLIC WORKS**

DPW Loudermilk requested approval of a two year contract extension from January 1, 2023 through December 31, 2024 for the purchase of electricity from Calpine Corporation. He noted that four proposals were solicited, and that this extension would be slightly lower than what the current costs are. Trustee Parrott moved to approve. Motion was seconded by Trustee Menold and approved with the following roll call vote:

Yes: Blunier, Leitch, Leman, Menold, Newman, Parrott – 6.

No: None.

Absent: None.

DPW Loudermilk then presented Resolution 26-20 - A Resolution Authorizing Intervention in PEPL Rate Case 29-1523. He gave an overview and noted that this involves intervening along with other communities in a case seeking a reduced increase in natural gas costs. Trustee Newman moved to approve. Motion was seconded by Trustee Leman and approved with the following roll call vote:

Yes: Blunier, Leitch, Leman, Menold, Newman, Parrott – 6.

No: None.

Absent: None.

### **VILLAGE TRUSTEES**

BLUNIER – Nothing to report.

LEITCH – Nothing to report.

LEMAN – Nothing to report.

MENOLD – Nothing to report.

NEWMAN – Nothing to report.

PARROTT – Nothing to report.

**ADJOURNMENT**

With no further business to come before the Board, Trustee Leman moved to adjourn. Motion was seconded by Trustee Leitch and followed by a unanimous voice vote.

ATTEST:

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PRESIDENT

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VILLAGE CLERK

**ORDINANCE NO. 20-23**

**AN ORDINANCE MAKING AMENDMENTS REGARDING CANNABIS  
TO TITLE 12 OF THE MORTON MUNICIPAL CODE**

**WHEREAS**, the Morton Municipal Code was adopted on March 2, 1970, and duly published in book form; and

**WHEREAS**, on June 25, 2019, the State of Illinois adopted the Cannabis Regulation and Tax Act as Public Act 101-0027; and

**WHEREAS**, Section 10-5 of the Cannabis Regulation and Tax Act authorizes personal use and possession of cannabis; and

**WHEREAS**, federal law still prohibits personal use and possession of cannabis and imposes mandatory drug testing for certain employment categories; and

**WHEREAS**, the Corporate authorities of the Village of Morton in exercise of the power reserved to them under the Cannabis Regulation and Tax Act and constrained by conflicting federal law desire to adopt certain regulations that comply with the mandates of the Cannabis Regulation and Tax Act regarding possession and use of cannabis while not violating the mandates of federal law in relation to employment and disciplinary standards for employees of the Village of Morton.

**NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF MORTON**, Tazewell County, Illinois, that Section 12-3-2 of the Morton Municipal Code is hereby amended as follows, by striking the entire section 12-3-2 (F) “Substance Abuse Policy” and replacing it by inserting a new policy which shall be as follows:

**12-3-2:           EMPLOYMENT STATUS, EVALUATIONS, AND TERMINATIONS:**

. . . .

**(F)               Cannabis, Drug, and Alcohol Use/Abuse Policy**

**Intent:**

The Village of Morton is concerned about the ultimate effects of the use of cannabis, alcohol and illegal drugs upon the health and safety of its employees and the public. We recognize that studies show that alcohol and drug abuse

leads to increased accidents and medical claims. Employees who abuse drugs and alcohol present a danger to themselves, their fellow employees, the Village of Morton and the public at large. In addition, the increased medical costs incurred by employees who use/abuse drugs and/or alcohol and the associated decreased productivity of these individuals, because of accidents, absenteeism and turnover, adversely affects achievement of the Village of Morton's mission and goals.

The Village of Morton recognizes that the state legislature has accepted that modern medical research confirms the beneficial uses of cannabis in treating or alleviating the pain, nausea and other symptoms associated with a variety of debilitating medical conditions. For these reasons, the State of Illinois has decriminalized the use of marijuana both for medical and recreational purposes. The Village of Morton also recognizes that under federal law, marijuana is still illegal. The United States Drug Enforcement Agency lists marijuana as a Schedule I drug under the Controlled Substances Act. Schedule I drugs are defined as having no approved medical use and a high potential for abuse.

The Village of Morton recognizes its obligations and responsibilities under these conflicting laws to implement a reasonable drug free workplace policy to ensure the safety of employees and the public at large while protecting the rights of all employees. The Village of Morton will not penalize an employee or applicant solely for his/her status as a registered qualifying patient or registered designated caregiver under the Compassionate Use of Medical Cannabis Program Act, unless failing to do so would put Village of Morton in violation of federal law or unless failing to do so would cause it to lose a monetary or licensing-related benefit under federal law or rules. The Village of Morton prohibits the use and storage of both medical and recreational cannabis on its property, at all workplaces and in any employer-owned vehicles.

No part of this policy, nor any of the procedures hereunder, guarantees employment, continued employment, or terms or conditions of employment or limits in any way the Village of Morton's rights to manage its workplace or discipline employees.

#### **Definitions:**

For purposes of this policy, the following terms shall have the following meanings:

- A. 'Premises' shall include all work sites, work areas, property owned or leased by the Village of Morton, or vehicles owned, operated, leased, or under the control of the Village of Morton. Privately-owned vehicles parked or operated on property owned, leased or managed by the Village of Morton is also included under the definition.
- B. 'Village of Morton time' shall include all times during which an employee is on the Village of Morton's premises, meal and break times on or off the Village of Morton's premises, or performing work off the premises for the benefit of the Village of Morton or as a representative of the Village of Morton.

- C. 'On-call' for purposes of the Cannabis Regulation and Tax Act means when an employee is scheduled with at least 24 hours' notice by his or her employer to be on standby or otherwise responsible for performing tasks related to his or her employment either at the employer's premises or other previously designated location by his or her employer or supervisor to perform a work-related task.
- D. 'Legal drug' means any substance the possession or sale of which is not prohibited by law, including prescription drugs that have been prescribed for the employee, over-the-counter drugs and (after January 1, 2020) cannabis as outlined in the Cannabis Regulation and Tax Act.
- E. 'Illegal drug' means any controlled substance the possession or sale of which is prohibited by law.
- F. 'Cannabis' or 'Marijuana' is a mixture of dried, shredded leaves, stems, seeds and flowers of the hemp plant, *Cannabis sativa*. The main active chemical in cannabis is tetrahydrocannabinol (THC), a psychoactive ingredient that produces a "high" or feeling of being "stoned." The strength of the cannabis or marijuana is correlated to the amount and potency of the THC it contains.
- G. 'Cannabidiol' or 'CBD' is one of over 60 different cannabinoid compounds in marijuana. CBD a non-psychoactive ingredient of cannabis and does not make a person feel "high" or "stoned." CBD is used to provide relief from chronic pain, anxiety, inflammation and epilepsy and its benefits are still being researched. Currently, there are no uniform standards for production of CBD so it is very possible that a CBD product contains small amounts of THC that would show up on a drug test. Such a test result would violate the Village of Morton's drug-free workplace policy.
- H. 'Substance' means any alcohol, drugs, or other substances (whether ingested, inhaled, injected subcutaneously, or otherwise) that have known mind altering or function-altering effects upon the human body or that impair one's ability to safely perform his or her work, specifically including, but not limited to, prescription drugs and over-the-counter medications; alcohol, drugs, and other substances made illegal under federal or state law; "synthetic or designer" drugs; illegal inhalants; "look-alike" drugs; amphetamines; cannabinoids (marijuana and hashish); cocaine; phencyclidine (PCP), and opiates; and any drugs or other substances referenced in Schedule I through V of 21 C.F.R. Part 1308 (whether or not such drugs or other substances are narcotics).
- I. 'Traceable in the employee's system' means that the results of a laboratory's analysis of the employee's urine, saliva, breath or blood specimen is positive for the tested substance.
- J. 'Reasonable suspicion of impairment' means that the Village of Morton's representatives have observed and in good faith can describe specific, articulable symptoms of an employee while working that decrease or lessen his or her performance of the duties or tasks of the employee's job position, including symptoms of the employee's speech, breath, physical dexterity,

agility, coordination, demeanor, irrational or unusual behavior, negligence or carelessness in operating equipment or machinery, disregard for the safety of the employee or others, or involvement in an accident that results in serious damage to equipment or property, disruption of a production or manufacturing process, or carelessness that results in any injury to the employee or others, or detection of a prohibited substance in the area where an employee has/had been working. A registered qualifying user of medical cannabis under the Compassionate Use of Medical Cannabis Program Act must first be given a reasonable opportunity to contest the basis of the suspected impairment before being subject to discipline based on the employer's good faith belief of impairment. A user of cannabis under the Cannabis Regulation and Tax Act must also first be given a reasonable opportunity to contest the basis of the suspected impairment before being subject to discipline based on the employer's good faith belief of impairment.

- K. 'Under the influence' means the condition wherein any of the body's sensory, cognitive, or motor functions or capabilities is altered, impaired, diminished, or affected due to drugs or alcohol. This also means the detectable presence of Substance(s) within the body, regardless of when or where it (they) may have been consumed, having an alcohol concentration within the violation range specified by the laws of the State of Illinois, and/or having a positive test for any other Substance(s). With respect to employees subject to the Federal Motor Carrier Safety Administration (FMCSA) regulations, U.S. Department of Transportation (DOT) regulations, the Pipeline and Hazardous Materials Safety Administration (PHMSA) regulations, or performing safety-sensitive functions including those employees who drive commercial motor vehicles, operate, maintain, or provide emergency-response functions on the natural gas system, operate or repair heavy or large mobile equipment, police officers, correctional officers, firefighters, EMTs and health care providers with direct patient care, under the influence of alcohol is defined in accordance with FMCSA and PHMSA regulations as having an alcohol concentration of 0.04 or greater (compared to the BAC of 0.08 for non-safety sensitive positions). Under the influence of cannabis currently means testing positive for any amount of cannabis (until the legislature determines a specific level of THC in the blood that constitutes statutory impairment).
- L. 'Safety sensitive function' was defined by the United States Supreme Court as any job function fraught with such risks of injury to others that even a momentary lapse of attention can have disastrous consequences. The category of safety sensitive functions includes job duties described as safety sensitive by applicable FMCSA, PHMSA, or other applicable regulations, statutes, or case law. Courts have also held that an employer may prohibit the off-duty use of cannabis, alcohol and other drugs by an employee in a safety sensitive position because these employees can cause great human loss before any signs of impairment become noticeable to supervisors or others.
- M. 'Work related cause' means the employee has: incurred a work-related injury requiring medical attention at a medical facility; caused the injury of another person on Village of Morton premises or during Village of Morton time;



caused damage to any Village of Morton owned or leased property; or commits repeated and/or flagrant violations of safety standards.

**Applicability:**

- A. This policy applies to all employees and volunteers of the Village of Morton as well as candidates for employment with the Village of Morton who have been given conditional offers of employment. Such persons are responsible to be familiar with and comply with this policy.
- B. The provisions of this policy are subject to any federal, state, or local laws that may prohibit or restrict their applicability and testing for substances shall be conducted and in accordance with and limited by such laws, notwithstanding any terms of this policy to the contrary.

**Policy:**

A. Alcohol, Cannabis or Illegal Drugs or Substances:

The possession, sale, purchase, use, distribution, delivery or transfer of alcohol, cannabis or an illegal drug or substance while on the Village of Morton's premises, while on the Village of Morton's time or while driving a vehicle owned, operated, rented, leased or under the control of the Village of Morton is expressly prohibited. This includes cannabis used for medical purposes in accordance with the Compassionate Use of Medical Cannabis Program Act. In addition, employees may not report to work, be on the Village of Morton's premises or on Village of Morton time under the influence of alcohol or cannabis or with any traceable illegal drug or substance in their system.

Employees who drive commercial motor vehicles, operate or repair heavy or large mobile equipment or perform other safety-sensitive functions those employees who drive commercial motor vehicles, operate, maintain, or provide emergency-response functions on the natural gas system, operate or repair heavy or large mobile equipment, police officers, correctional officers, firefighters, EMTs and health care providers with direct patient care in addition to the prohibitions above must not consume alcohol for four hours prior to duty time and up to eight hours following an accident or until the employee undergoes a post-accident test, whichever comes first.

Individuals who are registered users of medical cannabis will not be disqualified from employment based solely on the detected presence of cannabis on a drug test, unless failing to do so would put the Village of Morton in violation of a federal law or cause it to lose a federal contract or funding. Individuals who are registered users of medical cannabis in accordance with the Compassionate Use of Medical Cannabis Program Act and individuals who use cannabis in accordance with the Cannabis Regulation and Tax Act may not report to work under the influence of cannabis. This policy prohibits the undertaking of any task under the influence of cannabis, when doing so would constitute negligence, professional malpractice or professional misconduct. Any violation of this policy may result in immediate discharge and may subject an employee to legal action.

B. Legal Drugs:

The Village of Morton does not condone the abuse of legal drugs or working under the influence of legal drugs to the extent that job performance and/or safety is adversely affected. Employees using prescription, over-the-counter and/or other legal drugs are responsible for being aware of any potential effect such drugs may have on their judgment or ability to perform their duties.

C. Drug Panel:

DOT Regulations (49 CFR Section 40.85) provides the five drugs or classes of drugs that must be tested for in a DOT drug test. They are: (a) marijuana metabolites, (b) cocaine metabolites, (c) amphetamines, (d) opioids, and (e) phencyclidine (PCP). The Village of Morton cannot exclude cannabis from a drug test performed pursuant to DOT or PHMSA Regulations. The DOT and PHMSA Regulations also prohibit a Medical Review Officer from verifying a test as negative based on information that a physician prescribed the use of marijuana or other Schedule I drug. PHMSA Regulations (49 CFR Section 199.105) states that the regulations stated herein will apply.

D. Limited Pre-Employment Substance Testing:

Upon receipt of a contingent offer of employment, candidates for safety-sensitive or security-sensitive positions may be subject to pre-employment drug testing. Individuals to whom a contingent offer is made and whose pre-employment drug test returns positive for cannabis, alcohol or illegal drugs will be ineligible for employment. Candidates who test positive may have their contingent offer of employment revoked.

E. Random Selection Testing:

The Village of Morton is a drug-free workplace and reserves the right to conduct random testing on employees with safety-sensitive or security-sensitive job duties. The following positions include safety-sensitive or security-sensitive functions, and as such are subject to random testing: those employees who drive commercial motor vehicles, operate, maintain, or provide emergency-response functions on the natural gas system, operate or repair heavy or large mobile equipment, police officers, correctional officers, firefighters, EMTs and health care providers with direct patient care. Where random testing is prohibited or restricted by applicable federal, state or local statute or regulation, or other legally-binding agreement, the Village of Morton will conform to all applicable laws, regulations, and/or agreements notwithstanding the provisions of this policy.

F. Reasonable Suspicion Testing:

If the Village of Morton's representative has a reasonable suspicion that an employee is impaired based on the representative's observations of the employee at work, and in good faith can describe specific, articulable symptoms of that employee while working that decrease or lessen his or her performance of the duties or tasks of the employee's job position, including symptoms of the employee's speech, breath, physical dexterity, agility, coordination, demeanor, irrational or unusual behavior, negligence or carelessness in operating equipment or machinery, disregard for the safety of

the employee or others, or involvement in an accident that results in serious damage to equipment or property, disruption of a production or manufacturing process, or carelessness that results in any injury to the employee or others, then the Village of Morton may conduct reasonable suspicion testing.

G. Post-Accident Testing:

If the Village of Morton has reasonable cause to believe an employee has caused an on-the-job injury that is considered recordable under OSHA guidelines (i.e. requiring medical treatment) as a result of being under the influence, the supervisor may require the injured employee to undergo a post-accident Substance test. The employee will also be required to undergo post-accident testing if required by FMCSA, PHMSA, DOT or other applicable regulation.

H. Fitness for Duty:

Employees suspected of being unfit for duty as a result of the use or reasonably suspected use of Substances may be subject to Substance testing. Employees who have successfully completed a substance abuse or rehabilitation program will be required to submit to and successfully pass a fitness for duty substance test before being permitted to return to work.

I. Blood Alcohol Concentration:

A driver subject to FMCSA, PHMSA, or DOT regulations, or any other employee who is required to perform a safety-sensitive function and who is found to have an alcohol concentration of 0.02 or greater but less than 0.04 shall not perform, nor be permitted to perform, safety-sensitive functions for at least 24 hours.

J. THC Concentration:

As of this writing, the State of Illinois has no established limit of tetrahydrocannabinol (THC) in the bloodstream that constitutes impairment under the law. A person may be under the influence of marijuana as defined by a positive test for cannabis without being visibly impaired. The Village of Morton should train its managers and supervisors on the specific, articulable symptoms of impairment as defined above.

K. Reasonable Zero Tolerance or Drug-Free Workplace Policy:

Under the law, the Village of Morton has the right to implement a reasonable zero tolerance or drug-free workplace policy that is applied in a non-discriminatory manner. With the enactment of the Cannabis Regulation and Tax Act and the amendment to the Right to Privacy in the Workplace Act, the Village of Morton is limited in its ability to prohibit or limit the use of cannabis and other Substances considered legal under Illinois law by Village of Morton employees while off duty and not on-call unless those employees perform safety sensitive functions. For employees in safety sensitive positions, such as those employees who drive commercial motor vehicles, operate or repair heavy or large mobile equipment, police officers, correctional officers, firefighters, EMTs and health care providers with direct patient care, it is reasonable for the Village of Morton to implement and consistently apply a zero tolerance or drug-free workplace policy that includes a prohibition on off duty use and to terminate any safety sensitive employee who violates this

policy. Such a restrictive policy is reasonable because if these employees used cannabis or other Substances while off duty, they could cause great human loss while at work before any signs of impairment become noticeable to supervisors or others. For those employees who work in non-safety sensitive positions, the Village of Morton can test the employee for cannabis or other Substances if first the Village of Morton's representative can articulate after observing the employee at work that a reasonable suspicion of impairment exists.

L. Disciplinary Action:

- a. Any employee who possesses, sells, purchases, uses, distributes, delivers or transfers alcohol, cannabis or any illegal substance on the Village of Morton's premises will be removed from the work area, and may be subject to immediate disciplinary action up to and including discharge.
- b. Any employee who reports to work under the influence of alcohol, cannabis or with an illegal drug or Substance traceable in his/her system will be removed from the work area, and may be subject to immediate disciplinary action up to and including discharge.
- c. An employee who refuses to submit to testing when required under this policy will be removed from the work area and may be subject to immediate disciplinary action up to and including discharge. Refusal to submit to testing shall include, but may not be limited to: (1) failure to appear for any test within a reasonable amount of time, after being directed to do so by the Village of Morton, consistent with this policy and/or applicable regulations, including but not limited to FMCSA, PHMSA, or DOT regulation; (2) failure to remain at the testing site until testing is complete; (3) failure to provide a sufficient breath, saliva, blood or urine specimen for any drug or alcohol test required by this policy or applicable FMCSA, PHMSA, or DOT regulation; (4) in the case of directly observed or monitored collection in a drug test, failure to permit the observation or monitoring of the provision of a specimen; (5) failure to provide a sufficient amount of saliva, breath, blood or urine when directed, and it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure; (6) failing or declining to take a second test that the Village of Morton or the collector has directed the employee to take; (7) failure to undergo a medical examination or evaluation, as directed by the Medical Review Officer as part of the verification process or as directed by the Designated Employer Representative; (8) failure to cooperate with any part of the testing process; (9) having a verified adulterated or substituted test result as reported by the Medical Review Officer.
- d. Any employee who refuses to participate in rehabilitation/treatment, as recommended as a result of a positive test and evaluation by a substance abuse professional, will not be allowed to perform work for the Village of Morton and may be subject to disciplinary action up to and including discharge.

**Testing Procedures:**

- A. Testing: The Village of Morton may require an employee or candidate to provide a urine specimen, submit to a blood test, provide saliva samples, and/or undergo breath/alcohol testing for laboratory analysis at a medical clinic or other location as designated by the Village of Morton, immediately upon the request of authorized Village of Morton representatives or agents in accordance with this policy.
1. Where the Village of Morton has reasonable suspicion that an employee is under the influence of a substance, he or she will be removed from the work area and provided with transportation to the place of testing. The Village of Morton should call the emergency contact indicated by the employee or, if unavailable, arrange for the employee to be transported home following the test.
  2. Prior to submitting to testing, an employee or candidate may confidentially disclose to the independent medical examiner any prescription drugs or over-the-counter medications that he/she has taken or known medical condition that might interfere with an accurate test result. Such information will only be revealed to the Village of Morton as permitted by law.
  3. At the discretion of the Village of Morton, employees suspected of violating this policy may be placed on administrative leave without pay pending test results. If the test results are negative; the employee will be reimbursed for any salary lost during administrative leave.
  4. Specimens reported by the testing laboratory as adulterated or substituted will be considered a refusal to test and may be grounds for immediate termination of employment or ineligibility for hire.
  5. Should a candidate or employee fail the initial drug test, he or she will be notified of the results and will not be allowed to perform work on behalf of the Village of Morton. The candidate or employee will have the option of requesting testing of the split specimen within 72 hours at the Village of Morton's expense unless the candidate or employee presents documentation that serious injury, illness, lack of actual knowledge of the verified test result or inability to contact the Medical Review Officer prevented a timely request. If the candidate fails to request testing of the split specimen within 72 hours and the candidate or employee has not presented sufficient documentation to excuse the delay, Village of Morton will take appropriate action including but not limited to discipline or discharge.
  6. If the test of the split specimen is also positive, the candidate or employee will have the opportunity to explain the results. The Village of Morton retains the discretion to determine the appropriate disciplinary action, including discharge, following two positive drug tests.
  7. An employee who has been removed from the work area or barred from working as a result of violating this policy, may be subject to disciplinary action up to and including immediate discharge. If an employee has not been terminated as a result of a violation, he or she may not commence or return to work unless he or she provides sufficient documentation that he or she has tested negative for the presence of a substance and is not under the influence of a substance; has been approved to commence or return to work under the terms of this policy; has received an evaluation from a Substance Abuse Professional, has successfully complied with the recommendations of the Substance Abuse Professional, and testing for

the presence of a substance and the handling of test specimens was conducted in accordance with guidelines for laboratory testing procedures and chain-of-custody procedures established by applicable federal or state regulation.

8. Village of Morton will take steps to ensure the integrity of the testing process and to ensure that all test results are attributed to the correct employee.
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- B. Consent: The employee may be required to sign a consent form authorizing the medical clinic or other location as designated by the Village of Morton to perform the aforementioned tests and release the results of the testing to the Village of Morton.
  - C. Chain of Custody Procedures: At the time specimens are taken, standard 'chain of custody' or 'chain of possession' procedures will be followed, and the employee shall be given a copy of these specimen collection procedures.
  - D. Confidentiality and Privacy: The employee's right to privacy will be respected, and the results of any testing shall be kept strictly confidential by Village of Morton to the extent required and permitted by law. However, the Village of Morton may use the results to decide upon an action to be taken towards an employee, or to the extent necessary, to defend its actions in any subsequent grievance, arbitration, or legal or other proceeding.
  - E. Treatment: An employee who voluntarily informs the Village of Morton that he/she has a drug or alcohol abuse problem and desires rehabilitation assistance may be granted a leave of absence, in accordance with the Village of Morton's Family Medical Leave Act policy. The sole purpose of such leave is to obtain the necessary rehabilitation assistance. An employee with an alcohol abuse problem may also qualify for an accommodation under the Americans with Disabilities Act, if appropriate. The employee may be required to periodically provide proof that he/she is participating in an appropriate rehabilitation or after-care program. Any employee who returns to work after completion of a rehabilitation program and who subsequently violates the substance abuse policy may be immediately discharged without regard to a request for further rehabilitation.

#### **Additional Policies:**

- A. Searches: Upon reasonable suspicion, authorized representatives or agents of the Village of Morton may conduct searches of personal effects, vehicles, lockers, desks and rooms for drugs/alcohol and related paraphernalia, dangerous weapons, Village of Morton property or property of other employees. Items discovered through such searches may be turned over to law enforcement authorities.
- B. Employees must notify the Village of Morton within 5 days of any criminal drug statute conviction.
- C. The Village of Morton, with the development and implementation of this policy, is making a good faith effort to maintain a drug/alcohol-free workplace.
- D. The Designated Employer Representatives responsible for receipt of testing results and removal of employees from safety sensitive functions when they

violate this policy are the Village Administrator and in the Village Payroll Clerk, both of whom can be contacted at 309-266-5361.

- E. Employees who have questions about this policy or who would like more information regarding the effects of alcohol misuse and controlled substances on an individual's health, work and personal life, signs and symptoms of an alcohol or drug problem, and available methods of intervening when an alcohol and or controlled substance problem is suspected should contact the Village Administrator and the Payroll Clerk, both of whom can be contacted at 309-266-5361.

**BE IT FURTHER ORDAINED** that if any section or part of this Ordinance is held invalid, it shall not affect the validity of the remainder of this Ordinance.

**BE IT FURTHER ORDAINED** that this Ordinance shall take effect 10 days after publication thereof as provided by law.

**PASSED AND APPROVED** at a regular meeting of the President and Board of Trustees of the Village of Morton this \_\_\_\_ day of \_\_\_\_\_, 2020; and upon roll call the vote was as follows:

**AYES:**

**NAYS:**

**ABSENT:**

**ABSTAINING:**

**APPROVED** this \_\_\_\_ day of \_\_\_\_\_, 2020.

**ATTEST:**

\_\_\_\_\_  
**President**

\_\_\_\_\_  
**Village**

**AGENDA**  
**PLAN COMMISSION OF THE VILLAGE OF MORTON, ILLINOIS**  
**6:00 P.M.**  
**MONDAY, DECEMBER 16, 2019**  
**FREEDOM HALL, 349 W. BIRCHWOOD, MORTON, ILLINOIS**

**I. Call to Order / Roll Call**

**II. Approval of Minutes**

**Regular Meeting – November 25, 2019**

**III. Public Hearing(s):**

**Petition No. 19-11 SP:** Subject property is located at 1101 Jackson St. This property is currently zoned B-3. The requested zoning is for B-3 / Special Use. This would allow for food processing.

**IV. Other Business: None**

**V. Brad Marks:**

**VI. Adjourn**



**MORTON PLAN COMMISSION**  
**MINUTES-DECEMBER 16, 2019**

The Plan Commission met on Monday, December 16, 2019, at the Freedom Hall, at 6:00 P.M., Chairman Ferrill presiding. Present: Ritterbusch, Ferrill, Smock, Zobrist, Fick, Geil, Knepp and Deweese. Absent: Keach. Also, in attendance: Zoning Officer Brad Marks and Attorney Pat McGrath.

Zobrist made a motion to approve the minutes from the November 25, 2019 meeting. Fick seconded them. With a voice roll call, they were unanimously approved.

**Public Hearing(s):**

**Petition No. 19-11 SP:** Subject property is located at 1101 Jackson St. This property is currently zoned B-3. The requested zoning is for B-3 / Special Use. This would allow for food processing. Jerry Kaiser spoke on behalf of the petitioner. Mr. Kaiser stated that he has a contract with a tenant to use the building to make food to be sent to retail locations. With little discussion, a motion to approve was made by Smock. A second to approve was made by Knepp, followed by a vote to approve.

Yes-Knepp, Fick, Ritterbusch, Smock, Geil, Deweese, Zobrist

No-None

Abstain-Ferrill

**Petition No. 19-11 SP: Approved**

**Other Business:** None

**Brad Marks:** Nothing

With no further business, Knepp made a motion to adjourn. A second to adjourn was made by Zobrist. With a voice roll call, there was a unanimous approval to adjourn.

## PETITION FOR ZONING AMENDMENT / SPECIAL USE PERMIT

Petition Number: 19-11 SP

Date: 11-21-19

1. Legal Description: SEC 17 T25N R3W PT OF LOT A OF LOT 20 OF SE 1/4 (EXC ROW) NW 1/4 1.06 AC

Street Address: 1101 Jackson Street

2. Area of subject property: \_\_\_\_\_ sq. ft. or 1.06 Ac.

3. Present land use: B-3 Vacant building. Formerly a restaurant

Proposed land use or special use: B-3 with a Special Use in order to do food processing

Requested zoning change: from B-3 District to B-3 SP District

4. Surrounding zoning districts:

North I-2 East B-3 South B-3 West I-1

5. Subject property is owned by:

Name: The Philip G. Prassas Family Trust

Address: 3223 Lake Ave, #315  
Wilmette, IL 60093

(If subject property is owned by a trustee, a written statement must be furnished by the trustee, disclosing the names of all beneficial owners. A change in any of the beneficial owners during the amendment/special use process must be disclosed immediately.)

6. A list of names and addresses of all property owners in the petition area (within 250 feet of the area affected by this petition) will be provided by the Village of Morton and attached hereto.

7. A statement is attached hereto, indicating why, in our opinion, the amendment or special use requested is necessary for the preservation and enjoyment of substantial property rights, and why such amendment or special use will not be detrimental to the public welfare, nor the property of other persons located in the vicinity thereof.

8. Additional exhibits submitted by the petitioner:

9. Petitioners' Signature:

Name (printed)

Philip G. Prassas

Address (printed)

3223 Lake Ave., #315  
Wilmette, IL 60093

Signature

Philip G. Prassas

11-25-19

To Whom It May Concern:

I, Heidi Prassas Ziomek, along with my brother, Philip J. Prassas, are trustees and beneficial owners of the Philip G. Prassas Family Trust.

A handwritten signature in cursive script that reads "Heidi Prassas Ziomek". The signature is written in black ink and is positioned above the printed name.

Heidi Prassas Ziomek



COLDWELL BANKER COMMERCIAL

The Real Estate Group

Justin C Ferrill

101 W. Jefferson

Morton, IL. 61550

BUS (309) 263-7400

FAX (309) 263-7105

jcfcommercial@gmail.com

December 2, 2019

Village of Morton  
120 North Main Street  
Morton, IL 61550

Re: Case Number 19-11 SP  
Site: 1101 W Jackson Street, Morton, IL 61550

Dear Village Trustees,

**Proposed Use:** We represent a plan to re-develop the former La Fiesta (Golden Corral) site at 1101 W Jackson Street in Morton, IL. This redevelopment project will begin upon possession of the site in early 2020 and will consist of a complete remodel of the interior, alongside an updated façade/exterior and site.

The interior space will be re-demised as a two-tenant facility. One portion will be built out as specialty medical and lifestyle featuring multiple treatment rooms, and offices. The second tenant portion will be re-demised as food production & retail and feature a large commissary area, cold storage, dry storage, prep, and inbound/outbound delivery.

The exterior façade will be substantially updated, with new roof, fascia, windows and treatments. The site will be cleaned, repaired and updated with fresh signage, lighting and greenspace areas to update the appearance and further brand the site and facility.

Once construction begins, the proposed timeline for completion is 6 months.

**Zoning Request:** Currently the site is zoned B-3 Highway and Service Commercial which allows for all uses under B-2 General Business including B-2 General Business Special Uses. Tenant 2 of the re-development requires food production and sales and so our request is for the *Special Use Food processing and retail sales* (10-6-3 Section B, Item 11, Page No. 65).

Thank you for your consideration,

Sincerely,

Justin Ferrill

Property Owners Notified

Engineering Design & Devel Co.

911 W. Jefferson St.

Morton, IL 61550

R. P. Lumber Co. Inc.

514 E. Vandalia

Edwardsville, IL 620250000

1075 W. Jackson St., LLC, % SB

Management Corporation

433 N. Camden Dr. Suite 800

Beverly Hills, CA 90210

**RESOLUTION NO. 27-20**

**RESOLUTION ESTABLISHING FUNDING FOR  
ECONOMIC DEVELOPMENT PURPOSES**

**WHEREAS**, the Village of Morton has previously provided grants to the Morton Economic Development Council in the amount of \$55,000.00 per year to support economic development within the Village of Morton;

**WHEREAS**, the Corporate Authorities of the Village of Morton desire to continue to provide funding for economic development programs within the Village of Morton;

**WHEREAS**, the Village has met with representatives of the Morton Economic Development Council to discuss its policies and procedures, and;

**WHEREAS**, the Village of Morton has identified the key tasks and responsibilities which it requires of the Morton Economic Development Council and which have been so stated in the attached agreement.

**NOW, THEREFORE, BE IT RESOLVED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF MORTON**, Tazewell County, Illinois, as follows:

1. The recitations found in the Preamble to this Resolution are hereby found to be true and correct and are incorporated herein by reference.
2. The Village of Morton will provide a grant to the Morton Economic Development Council in the amount of \$35,000 for their operations for the year 2020.
3. The Village of Morton will review this agreement and determine its continued funding for the calendar year 2021 forward during the latter part of 2020.

**BE IT FURTHER RESOLVED** that this resolution shall be in full force and effect upon its passage and approval.

**PASSED AND APPROVED** at a regular meeting of the President and Board of Trustees of the Village of Morton, Tazewell County, Illinois, this \_\_\_\_ day of \_\_\_\_\_, 2020; and upon roll call the vote was as follows:

AYES:

NAYS:

ABSENT:

ABSTAINING:

**APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
**President**

**ATTEST:**

\_\_\_\_\_  
**Village Clerk**



**Village of Morton and  
Morton Economic Development Council  
Funding Agreement**

The Village of Morton has determined it will continue to fund the Morton Economic Development Council (MEDC) for 2020 in the amount of \$35,000.

This grant will fund the duties outlined below. The Village recognizes that there are additional projects that the MEDC determines to be valuable. We are designating our fund to be utilized for the following:

1. Recruiting new business:
  - a. MEDC will contact business prospects on a “cold call” basis, respond to referrals for existing business received from outside parties, and research potential business prospects.
  - b. Any business that is recruited should:
    - i. Be discussed with appropriate Village staff at the onset of discussions.
    - ii. Be a qualified project.
    - iii. Be a type of business that is desirable to the Board and citizens of Morton.
    - iv. Have utility and transportation needs that are achievable without negative impact to our infrastructure.
    - v. Be located appropriately and reviewed by Village staff to be in conformance with applicable regulations and zoning.
2. Visits to existing businesses:
  - a. MEDC shall visit all businesses located within Morton on a rotating 5-year cycle.
  - b. Reports shall be made to Village after each visit outlining any issues found related to Village procedures, infrastructure, utility services, or other concerns under Village-control.
3. MEDC shall host the following meetings:
  - a. EDC Organization Committee
  - b. EDC Board
    - i. Village to maintain 2 representatives which will be appointed by the Mayor and not subject to EDC approval
    - ii. Trustees Leitch & Leman will remain for 2020.
  - c. Business Development Committee – Village to send representatives related to information to be discussed.
4. Additional tasks:
  - a. Undertake projects and programs directed by Village Board.
  - a. Serve in an advisory capacity to the Board and staff in matters pertaining to economic development.
  - b. Act as a source for business leads. Provide information to Village staff on business development situations perceived or real within the Village.
  - c. Maintain marketing materials related to Village to attracting non-residential development.
  - d. Make recommendations to Village staff regarding improvements to regulations, zoning and planning.
5. Provide quarterly reports to the Board
  - a. MEDC shall provide quarterly reports to the Board in writing based on the completion of the tasks stated above and the results achieved.
  - b. Report to include:
    - i. Specific information on business recruiting contacts made – including method of contact, number of attempts and results of contact(s).
    - ii. Number of existing business visits made, and summary of issues and concerns voiced by owners.
    - iii. Results of any additional tasks performed.

The Village sees the value in education and certification for executive personnel. We therefore ask that the EDC Executive Director and EDC Community Development Director work towards obtaining certification for their positions.

Any projects considered that would involve the use of Village right of way or require funding from any Village funds should be brought to the Board prior to discussion with any other parties. Also, all arrangements for services to be provided from an outside vendor which are anticipated to be paid from Village funds will require Board approval prior to authorization of the work.

In witness whereof, the parties have caused their duly authorized representatives to sign this agreement as of the date written below.

Morton Economic Development Council

Village of Morton

By: \_\_\_\_\_

By: \_\_\_\_\_

Title: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_