



Allentown

435 Hamilton Street
Allentown, Pa. 18101

Minutes - Final

City Council

Wednesday, July 12, 2017

6:00 PM

Council Chambers

Call to Order: Council President O'Connell

Present: 7 - Ray O'Connell, Daryl Hendricks, Candida Affa, Roger MacLean, David McGuire, Julio Guridy, and Cynthia Mota

[15-1668](#)

Bill 40 Committee of the Whole, forwarded favorably Amending Part III, Business Regulation and Taxation Code, Title One Businesses and Licensing Code, of the City of Allentown Code by Creating Article 320, Appropriate Mental Health Services, which would prohibit licensed professionals from engaging in counseling, practices, or treatments that seek to change a minor's sexual orientation or gender identity.

AMENDMENT: Add a new section 320.04 entitled: Enforcement: Investigation of Complaints of Violation, Notice and Hearing to read as follows and lettering the current existing paragraph d (copies of the amended version are at the back of the room and on the website).

(a) There is hereby established a Complaint Administrator to investigate complaints for the violation of Section 320.02 of this Ordinance. A Licensed Mental Health Professional shall be nominated by the Mayor and confirmed by City Council to serve in this capacity.

(b) Neither the Complaint Administrator nor the Appropriate Mental Health Services Appeals Board, established under Section 320.05 of this Ordinance, shall have the ability to compel the production of records or any materials that are made confidential by federal or state law or that are protected from disclosure by a lawful privilege, unless a valid waiver of the privilege is made.

(c) The Complaint Administrator and the Appropriate Mental Health Services Appeals Board, established under Section 320.05 of this Ordinance, shall not divulge confidential or privileged information that is disclosed during the Enforcement process under this Section 320.04 to anyone outside the Enforcement process.

(d) Notice of the hearing for revocation of a license shall be given in writing, setting forth specifically the grounds of complaint and the time and place of

hearing conducted by an appeals board. The notice shall be mailed, postage prepaid, to the licensee at the licensee's last known address at least five days prior to the date set for hearing.

Attachments: [Bill 40 Appropriate Mental Health Ordinance](#)

[Bill 40 - Amended Version](#)

[Legal Memo Bill 40](#)

[LRS 2017-045 Continuation- Explanation for Need of Amendments](#)

[National Task Force Letter to Legislators on FTC Complaint - June 5 2017](#)

[Letter-Pennsylvania Psychiatric Society](#)

[Letter- KidsPeace](#)

Mr. Ray O'Connell stated to Ms. Frances Fruhwirth with what Mr. Hanlon just read with the Amendments, do you feel that the Solicitor's office is comfortable with the Bill and the Amendments?

Ms. Frances Fruhwirth stated yes.

Mr. Ray O'Connell asked Mr. Adrian Shanker to come to the podium and asked him the same question he asked Ms. Fruhwirth.

Mr. Adrian Shanker stated that they have been very pleased with the Solicitor's office and working with our attorneys to finalize these Amendments that has resolved some questions from the administration which was a valid question. He stated that they believe it is a sound ordinance.

Mr. Ray O'Connell stated that he would like to hear from the public first. I want your input, your concerns, and what you bring to us tonight.

Mr. Adrian Shanker, Executive Director for Bradbury Sullivan LGBT Community Center, 522 W. Maple Street, Allentown. He stated that they provided letters. He thanked Council for considering this critical ordinance to ensure that the harmful, unscientific and discredited practice as referred to as Conversion Therapy can no longer do harm to LGBT youth in the City of Allentown. He asked Council to consider letters from KidsPeace Hospital, and the PA Psychiatric Association, as well as, a Petition from 19 local pediatricians urging passage of this Ordinance. LGBT youth need and deserve high quality healthcare, not junk science. We know Conversion Therapy is only promoted by those that deliberately and maliciously seek to do harm to LGBT people. This Ordinance is the right thing to do and aligned with public health. LGBT youth who have been subjected to Conversion Therapy have been found to have higher rates of depression, substance abuse and even suicide. Tonight, City Council has the opportunity to make a significant difference in the lives of LGBT youth

here in Allentown. We asked you to vote for public health, and mental health in a city where LGBT youth know that they are going to be treated with respect when they see a mental health professional. Your advancement of Bill 40 sends a clear message that LGBT youth are seen and validated in a world where they often feel invisible. He urged for a unanimous vote tonight to send this Bill back to the regular Council meeting for final passage.

Mr. Ray O'Connell thanked Mr. Shanker and asked if there was anyone else with a comment.

Dr. Elizabeth Goff stated that she was a resident in Allentown for 12 years, now residing at 4230 Rose Drive, Upper Milford Township. She stated that she is a pediatrician and caring for children in the Lehigh Valley for 25 years. As a doctor, I have an ethical and legal responsibility to only provide therapy that only has been proven by sound science to be effective and not harmful. I cannot on a child give any kind of therapy or drug that is not effective and harmful even if I am urged to do so by the family. Conversion Therapy has shown to be both ineffective and harmful. It increases anxiety and depression and increases suicide. She stated that she finds this a life or death matter. She stated that she thinks it would be wonderful to have this legislation at the state level.

Pastor Bob Stevens, Zions Liberty Bell United Church of Christ, 620 W. Hamilton Street, stated that some of you may know that periodically I may be seen not only wearing the tricorn hat, but also Colonial Guard for our commemorative services at the Liberty Bell Church. As part of the Colonial outfit, I also own a pair of straight last shoes. You need to be a historian or a colonial re-enactor to know what that means. In colonial times, shoes were made to either fit a foot which to say they fit neither foot. There was a single form to make shoes that was called a last and the form was straight so you could put either foot into that shoe. Either the shoe would conform to the shape of your foot or your foot would have to conform to the shape of the shoe and if it hurt, it hurt. Thank goodness of the invention of the machine lay in the 1850s when they began to make shoes in both left and right forms and for us thank goodness for the eventual invention and manufacturing in sizes ranging from four to 16 for adults, and AA all the way up to E resulting in about 60 possible shoe sizes combination not including for children. We are free to wear whatever size fits us. Councilmembers you may had the painful experience in forcing your foot into a shoe that does not fit properly. Imagine how painful it is when someone tries to force you into a way of being that does not fit. Today, in America there are people that believes everyone should fit into one straight shoe. In my congregation, I am mostly known as the Pastor who is in the Colonial Garb. I also have a Master's Degree in Pastoral Counseling. I am aware of

standards and practice as well as diagnosis. As a pastoral counsel, I respect my conservative Christian colleagues. We agree on many things, but on this we disagree each of us is blessed in America to be able to conduct our ministry however we choose and I ensure my colleagues as well as you this legislation does not regulate clergy or prohibit them from counseling people against homosexuality if that is the way they interpret the bible. That is not the way I interpret the bible. My goal from a pastoral prospective would not enforce Conversation Therapy not only because that is a violation of freedom, but because the only type of conversion Jesus was interested in was related to your soul and not your sexual orientation. I urge you as a Pastor that this is something that does not infringe on religious rights, but it is extremely important that we have this legislation there.

Ms. Phoebe Harris, 1817 17th Street SW, stated that she comes before Council as a mother of a gay child. My oldest son is gay and I knew he was gay from the time he was born. I come from a very religious background, Pentecostal. My father was a presiding Bishop. One of 13, eight boys, and five girls. My parents are married 65 years. My father before he past, was a pastor for 53 years. I knew my son was gay and I shielded him. I protected him because it was frowned upon in the church. That's my baby who I love and who his parents, my parents and my family love him, but we knew he was gay. I could not imagine him thinking that something was wrong with him because he was gay. The whole idea of Conversion Therapy to pray the gay away is impossible. You are born that way and there is nothing against it and nothing wrong with it. He is a 31 year old successful gay man. He had five colleges he could have went to and one was the University of Maryland. That was one college I did not send his application to because it was too close to home. He went away to the University of Pittsburgh and became his own man and grew a beautiful soul and I can't imagine young people now having to face that and not having their parent love or the community's love and getting the help that they need mentally. That hurts. We have to stand beside our kids.

Rev. Elizabeth Goudy, Metropolitan Community Church of the Lehigh Valley, stated that many church members and attenders live in the City of Allentown. At a time the church was located on the Southside and the Northside of your city. Most members of Metropolitan Church identify as lesbian, gay, bisexual or transgender. Thank you for the opportunity to speak. Banning Conversion Therapy in the City of Allentown is the right thing to do and is the moral thing to do. As leaders you have the opportunity to keep young LGBT people safe and protected from this predatory practice. Conversion Therapy is immoral and is profoundly damaging to the health and well-being of Allentown youth. I have seen the injuries caused to people who have considered Conversion Therapy.

Sometimes it takes years to heal spiritually and mentally and stopping this detestable practice of Conversion Therapy you are providing people with pathways to freedom and wholeness. Banning Conversion Therapy will help LGBT youth pursue their hopes and dreams as authentically as possible. This law that you are considering is in no way a regulation of clergy. Religious leaders are always free to speak on any issue and may run programming that is in keeping with their beliefs and their religious organizations. Church leaders may help their flocks in diversity of ways. No government body may tell any religious body how to study or interpret sacred text. This proposed law does not direct religious organizations on what they may teach. This law is not about religious beliefs or peoples freedom to worship and pray. No reasonable person of faith would consider this legislation anti-religious. She urged Council to be of good courage and swiftly move forward with this important legislation.

Mr. Ray O'Connell stated that before we hear our next speaker, I would be remised if I didn't say welcome and hello to Ms. Bradbury and Ms. Sullivan. He asked for them to stand.

Dr. Christine Haasz, Licensed Psychologist, stated that she practices at 961 Marcon Bouelvard in Allentown and a member of the World Professional Association for Transgender Health and a third of her caseload is LGBT youth and adults. Many of the national organizations: American Psychiatric Association, American Psychological Association, American Counseling Association among others have put out statements saying that Conversation Therapy is no longer considered ethical nor has it ever been backed by rigorous scientific evidence and the evidence that is available states that this causes harm. This can lead to, especially youth becoming suicidal, depressed, and anxious. There is some research that youth who are experiencing high levels of rejection from their families are eight times more likely to attempt suicide and three times more likely to use illegal drugs then their peers that are experiencing acceptance from their families. By banning licensed mental health professionals from providing this type of therapy or protection you are not giving families incorrect information that either being gay or transgender is a mental illness. It is not a mental illness. The American Psychological Association stated that it is a normal as positive variation of human sexual orientation. She stated that she hopes Council takes that into consideration.

Mr. Bill Linder, 41 N. 8th Street - Borough of Coplay, stated that he is a Board Certified Mental Health Nurse and Patient Director of Psychiatric Services at Easton Hospital. He urged and hoped that it is an unanimous vote to pass this Bill.

Mr. Ethan Homewall, Northampton High School Senior, 74 Blue Mountain

Drive - Walnutport, stated that he is a gay 18 year old and it was hard for him to initially say that he is gay. I think it is ridiculous that people think that you can convert somebody to a different sexual orientation. That is not at all something you can do. It is something you inherently have, like the color of your eyes or your skin and you cannot convert that to anything you want. When you try to convert people to a different sexual orientation that makes them feel that they don't belong and that they need to conform to something else. If someone tried to conform that on me, I would be angry and say it is ridiculous and you cannot. I personally had a hard time coming to terms with it. I was 16 when I came out. I think it is ridiculous that people think that they can do that and think it should be banned.

Mr. Ray O'Connell asked what high school and when did you graduate. He asked if they have a club at Northampton High School.

Mr. Ethan Homewall stated that he graduates in 2018. He stated yes, but he did not go to it.

Ms. Corrine Goodwin, 1807 Majestic Drive in Orefield, stated that she is one of the leaders of Lehigh Valley Renaissance. It is a transgender support group in the Valley. She asked Council to take a moment to thank the members of the audience and asked how many of you have known or met someone with red hair. How many have known or met somebody with blue eyes. Statistically speaking, in the City of Allentown there are just as many trans-people than there are red heads, and just as many folks that had gay or lesbian experiences than have blue eyes. To my knowledge, we don't try to convert redheads to brown head folks and we don't try to convert blue eye people. They are the way they are. All trans folks and gay and lesbian folks want to be able to live a normal life and not have to worry about this horrible, horrible thing. I knew I was trans when I was three years old. It took me 53 years to live my truth and nobody is going to take it away. I urge you all that no one will be able to take it away from kids.

Ms. Elizabeth Bradbury stated that she is just so proud and had so many proud moments in this room. The City of Allentown and the City Council passed the addition of Gender Identity into our nondiscrimination law in 2002. The first city or town in the whole state of Pennsylvania to do so. We passed domestic partner benefits. It was the first benefits package in this part of the state and now we are considering this very important Bill and hopefully moving towards its passage. I want to reiterate one thing that I train on at the Community Center and that is with our LGBT youth and that is what we are talking about of transgender youth, 61 percent of transgender youth attempt suicide. That's more than 1 of 2. If you take that statistic and you take out the kids that are not supported by their families that statistic goes to four percent. Four percent is equal to about the

statistic of all teenagers in terms of attempted suicide. Fifty -seven percent of kids who are transgender that attempt suicide do so because they have unsupportive families and if their families are putting them in a circumstance where they are in some poorly conceived, unproven therapy. It means that the child is not going to have any support of their family, therapist or potentially no support of their church. They are going to by some statistic one out of two of them will attempt suicide. This kind of legislation gives every kid that is in a non-supportive family an opportunity to say that the City Council of the City of Allentown doesn't think that I have to change. I have supportive people in my city. It gives them a group of allies that they can count on even if they are not being supported by their families. I am hoping so much for a full passage of this Bill.

Dr. Deborah Romberger, Licensed Professional Counselor, 1125 S. Cedar Crest Boulevard, stated that she was not even aware that Conversion Therapy existed anymore because it isn't part of our DSM that homosexuality is a disorder. It is not something to be fixed. There have been changes in the perception of transgender and not to be fixed. It is more of getting the family onboard like everyone is talking about and giving support. I am directed to follow ethical accommodations and that means that I need to use therapies that are empirically based, proven as effective. That is CBT, mindfulness, that is behavioral modification and things like that. It is not Conversion Therapy. Conversion, like everyone has said is increasing the likelihood of depression, suicide and anxiety. I would encourage you to unanimously vote and protect the youth.

Mr. Ray O'Connell asked if anyone else had any comments. He opened the floor to his colleagues.

Ms. Candida Affa thanked everybody who came and spoke especially you, young man. (Ethan Homewall) It's nice to say what you are, who you are and have all this support and the support of Allentown and live in an era where we have become a lot smarter. When Ms. Harris came up and spoke about her child who is now 31 years old. Some people might disagree with this, but because of my parents I think I grew up well adjusted. People may disagree with me, but I understand exactly what you meant about your son because if you were not the mother you were or the parent I had, we would have had confusion, maybe got married, had children, realized that we were gay and messed up everybody's lives. Thank you all for coming and you know that I support this 100 percent.

Mr. Julio Guridy thanked everyone for coming. I was here back in the day when we had to listen to a lot of people that were in support, but some were against passing the inclusion into the protective class for LGBT, but it was a different time for us because we were channeling different waters that

most people in the state were not used to, not even the state of Pennsylvania. It helped get other cities on the state level to recognize what we did here to make it a lot more tolerable. I look forward to supporting this as well. We have done a couple of good things for this community and this will be another plus for our city. He thanked all of the audience for being there.

Ms. Cynthia Mota stated that she liked the analogy that the Pastor used and thanked Ms. Phoebe Harris for telling us about her son. I just had surgery and it just reminded me of my shoes. I am so glad that we have different kinds of shoes so that we don't have to conform and just be stuck to one size. I will support it, definitely. I am a Psychologist myself and really believe that we have to take care of our children and the reality is the Conversion Therapy is proven not to work. It does more harm.

Mr. Daryl Hendricks stated that he is very proud to be a part of this legislative body and moving this forward. As mentioned, we are the first in the state of Pennsylvania. I think it is important to note that we are not only at the forefront with all the recent revitalization of the downtown, but now we can also say that we all are at the forefront of protecting the rights of all our citizens and most especially with this Bill. The LGBT community and especially the youth that is in that community, I want you to know that I will be proud to vote in favor of this at the time this should happen and would encourage all my colleagues to follow suit.

Mr. Roger Maclean stated that he read the Bill and I don't see anybody from the administration. My only concern is how is a person to report this. It has a Review Board, but will it be made public, the address, a phone number for someone under 18, for some youth to be able to come forward with a complaint?

Ms. Vicky Kistler stated that she can say that she kind of represents the administration, but since I am the Health Director and listed in the actual ordinance, I would like to say the first thing is that this is not a ceremonial vote. This is really going on. I did my homework when I heard that the group was introducing an ordinance and I have polled local pediatricians who are seeing youth who are experiencing this therapy. The vote you have is more than a statement on record or your commitment. I too, had some questions about the process and I would like to thank Fran Fruhwith as well as Adrian Shanker, and his legal staff for looking at that process. I think anyone can make a complaint to any resource that can forward that complaint to this Mental Health Practitioner. If someone contacts the health department, the Bradbury Sullivan Center, any clergy, any interested individual, once the mental health practitioner is named, that complaint can be simply forwarded on. We are going to have our challenges because

these are youth and youth have a lot of parental rights about youth mental health records and those kinds of things. There are going to be some challenges to the investigative process, but I think you are taking the first step and I am confident that together this community, this administration and this Council can work out snags if they occur along the way. But, I think this is the first step in identifying a professional who can hear both sides and make a recommendation about that business license and if it appealed to a board of even more, can hear hopefully more from both sides and try to come to a logical conclusion. It is my hope that they contact the health department, a medical practitioner, the Bradbury Sullivan Center or anywhere to say that this is going on and that will connect them appropriately.

Mr. Roger MacLean stated that he doesn't want to speak for Fran, but he thinks it is just a procedural thing that we can deal with after the Ordinance passes.

Ms. Frances Fruhwirth stated yes. She stated that she was very fortunate to collaborate with Mr. Shanker's legal team. We had a very fruitful and spirited conversation about these procedural steps needed to take place under notion of due process, prosecutorial versus investigative functions, those types of things. We think that this is a very good place to start and Ms. Kistler said that there are going to be bugs. We can contend with them as they come up in certain fact-patterns that arise.

Mr. Roger MacLean stated to Mr. Shanker that he was looking at the pediatricians or doctors letters. He wants the doctors to print their signature so that we can see who they are.

Mr. Adrian Shanker stated that they are all pediatricians. This is the first ordinance like this from a Third Class City. The only other ordinance like this is in Pittsburgh which is a different type of government body. This is essentially a creation of a model ordinance. We believe in working with Ms. Fruhwirth and also the administration that this resolves as many issues that can be thought of in advance, but there will be things that will come up. With all the other city commissions that exist those commissions also sometimes develops their own procedures for how they interact in addition of what the law says. It is just how they operate as a commission. For an example, I know the Human Relations Commission has guidelines that they used and they developed. Actually Liz developed when she was on the Commission. This appeals board might need to develop their own procedures once they get started and that is a very common practice among municipal government commissions.

Mr. Roger MacLean thanked Mr. Shanker and stated that his concern is

somebody like we have the EAP in the city and the county and wherever you work and there is a place that somebody knows they can go and get that information as to what they do next. He asked if they received complaints from individuals who have been forced into Conversion Therapy.

Ms. Elizabeth Bradbury stated that as soon as we posted to say that we were going to be doing this, we saw a couple of people say do they do this anymore and dozens of people were putting up, yes, this happened to me. This is still happening in the community. We had people come into the community center who said that their therapist doesn't know anything about these issues that they are immediately trying to do the wrong thing. Even some of the letters that you received sort of underscores the fact that this is going on and the people want to perpetuate it which I think is the case.

Mr. Ray O'Connell stated that his comments are that he has sat here for eight years and we had crowds out here when we had the Waste to Energy Deal, when we did the Water and Sewer Lease Agreement, but this is an easy one, a real easy one. After hearing personal stories from the gentleman, Ms. Harris, professional testimonies from the doctors, and religious dialogue from pastors and other religious leaders. The bottom-line is that this is the right thing to do. It's the ethical thing to do and the moral thing to do. I will proudly support this Bill.

A motion was made by Daryl Hendricks, seconded by Julio Guridy, that this Ordinance be recommended for approval. The motion carried by the following vote:

Yes: 7 - Ray O'Connell, Daryl Hendricks, Candida Affa, Roger MacLean, David McGuire, Julio Guridy, and Cynthia Mota

ADJOURNED: 6:42 PM