

## **MINUTES**

### **REGULAR MEETING OF THE WELLINGTON VILLAGE COUNCIL**

**Wellington Village Hall  
12300 Forest Hill Blvd  
Wellington, FL 33414**

**Tuesday, June 27, 2017  
7:00 p.m.**

Pursuant to the foregoing notice, a Regular Meeting of the Wellington Council was held on Tuesday, June 27, 2017, commencing at 7:00 p.m. at Wellington Village Hall, 12300 Forest Hill Boulevard, Wellington, FL 33414.

Council Members present: Anne Gerwig, Mayor; John T. McGovern, Vice Mayor; Michael Drahos, Councilman; Michael Napoleone, Councilman; and Tanya Siskind, Councilwoman.

Advisors to the Council: Paul Schofield, Manager; Laurie Cohen, Attorney; Jim Barnes, Assistant Manager; Tanya Quickel, Director of Administrative and Financial Services; and Rachel Callovi, Village Deputy Clerk.

1. **CALL TO ORDER** - Mayor Gerwig called the meeting to order at 7:00 p.m.
2. **PLEDGE OF ALLEGIANCE** – Council led the Pledge of Allegiance.
3. **INVOCATION** - Rabbi David Sislen, Temple B’nai Jacob, Wellington, delivered the invocation.
4. **APPROVAL OF AGENDA**

Mr. Schofield indicated staff recommended approval of the Agenda with one amendment:

1) Add to Presentations and Proclamations “Update by Captain Rolando Silva on Recent Events” as item 5B.

**A motion was made by Vice Mayor McGovern, seconded by Councilman Drahos, and unanimously passed (5-0), to approve the Agenda as amended.**

#### **5. PRESENTATIONS AND PROCLAMATIONS**

##### **A. 17-1281 RECOGNITION OF DISTRICT CHIEF MICHAEL ARENA**

Mr. Schofield introduced the item. Ms. Callovi read the proclamation.

Chief Arena thanked the Council for this recognition.

Council congratulated District Chief Michael Arena on his retirement, and also thanked him for

his leadership and years of service with the Village of Wellington and Palm Beach County Fire Rescue.

**B.** UPDATE BY CAPTAIN ROLANDO SILVA ON RECENT EVENTS  
(Added to Agenda.)

Captain Silva provided an update on some recent incidents that occurred in the Village. He also discussed what action to take in certain situations and how to report suspicious or crime-related activities.

Captain Silva responded to Council's questions and explained the Owner Authorized Agent program for business owners. Councilman Drahos suggested the Village use its resources to educate the business owners on empowering the police to question anyone who may be causing trouble. Vice Mayor McGovern stated Community Services and Code Enforcement could distribute flyers on this program while they are out in the field.

Captain Silva indicated he and Mr. Schofield had discussed engaging the businesses and talking to them about this program and other things the businesses can do to make their areas safer. Councilman Napoleone thought the increased presence of police officers and their cars may sway people from those areas.

Councilwoman Siskind suggested having the Public Safety Committee work with business owners or hold a Town Hall Meeting on public safety to give people tips on what they can do. Councilman Drahos stated he wanted to see an actual initiative on this. He asked that someone from the Village or Community Services go to the Courtyard and the Marketplace to let the business owners know about the Owner Authorized Agent program, so the store owners, residents and police could all work together in patrolling these areas.

Mr. Schofield stated they will go out and meet with the Chambers, management companies, and individual businesses as well as get out in the neighborhoods and start a different conversation about some common sense things to make them safer every day. He indicated a series of PSAs are being put together that Council and staff will be participating in. He said they will get out and walk the areas of concern.

Mr. Schofield explained that Captain Silva has deployed a number of assets/resources in response to the recent events, but he would rather not comment or provide details at this time. He said a report will be given to Council. Vice Mayor McGovern expressed his concern about the appearance of being responsive and knowing that steps are being taken to ensure the safety of the residents.

Mayor Gerwig asked them to get creative with the funds PBSO receives from seizing items to offset the cost of cameras for some of the businesses. She said if they had a video of the recent incident, it could help them identify someone. She asked them to use the funds wisely, as the Village looked to PBSO for advice on that as well. Captain Silva stated he was working with the Village Manager to buy cameras from the Law Enforcement Trust Fund.

Vice Mayor McGovern thought all of these programs and suggestions needed to work together.

**6. CONSENT AGENDA**

**A. 17-0937 AUTHORIZATION TO AWARD A TASK ORDER TO PROVIDE**

- ENGINEERING CONSULTING SERVICES FOR THE WATER  
TREATMENT PLANT MASTER PLAN LIME PLANT REPLACEMENT  
PROJECT
- B. 17-1017** AUTHORIZATION TO UTILIZE A PALM BEACH COUNTY CONTRACT  
WITH WYNN & SONS ENVIRONMENTAL CONSTRUCTION CO., INC.,  
FOR THE BIG BLUE TRACE AND WILTSHIRE VILLAGE DRIVE  
ROADWAY IMPROVEMENTS
- C. 17-1019** AUTHORIZATION TO UTILIZE A SOUTHEAST FLORIDA  
COOPERATIVE CONTRACT FOR THE PURCHASE AND DELIVERY  
OF GASOLINE AND DIESEL FUEL
- D. 17-1020** AUTHORIZATION TO AWARD MULTIPLE CONTRACTS FOR THE  
SUPPLY AND DELIVERY OF ROAD BASE
- E. 17-1261** AUTHORIZATION TO UTILIZE A FLORIDA SHERIFFS ASSOCIATION  
CONTRACT FOR THE PURCHASE AND DELIVERY OF A MOBILE  
GENERATOR
- F. 17-1296** AUTHORIZATION TO UTILIZE AN EXISTING PUBLIC WORKS  
ANNUAL CONTRACT TO DESILT CANALS
- G. 17-1307** AUTHORIZATION TO UTILIZE A PALM BEACH COUNTY CONTRACT  
WITH HINTERLAND GROUP, INC., FOR MANHOLE REHABILITATION
- H. 17-1301** RESOLUTION NO. R2017-24 (IRON SPRINGS FARM VACATION): A  
RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL, TO VACATE  
CERTAIN EASEMENTS WITHIN A PARCEL, KNOWN AS IRON  
SPRINGS FARMS; TO VACATE A 0.44 ACRE PORTION OF A 10-  
FOOT DRAINAGE AND UTILITY EASEMENT LOCATED AT 403  
130TH AVENUE SOUTH, MORE SPECIFICALLY DESCRIBED  
HEREIN; A 0.67 ACRE PORTION OF A 10-FOOT DRAINAGE AND  
UTILITY EASEMENT LOCATED AT 4107 130TH AVENUE SOUTH,  
MORE SPECIFICALLY DESCRIBED HEREIN; A 0.67 ACRE PORTION  
OF A 10-FOOT DRAINAGE AND UTILITY EASEMENT LOCATED AT  
4179 130TH AVENUE SOUTH, MORE SPECIFICALLY DESCRIBED  
HEREIN; A 0.66 ACRE PORTION OF A 10-FOOT DRAINAGE AND  
UTILITY EASEMENT LOCATED AT 4219 130<sup>TH</sup> AVENUE SOUTH,  
MORE SPECIFICALLY DESCRIBED HEREIN; A 0.68 ACRE PORTION  
OF A 10-FOOT DRAINAGE AND UTILITY EASEMENT LOCATED AT  
4280 SOUTH SHORE BOULEVARD, MORE SPECIFICALLY  
DESCRIBED HEREIN; A 0.68 ACRE PORTION OF A 10-FOOT  
DRAINAGE, UTILITY AND ROAD EASEMENT LOCATED AT 4220  
SOUTH SHORE BOULEVARD, MORE SPECIFICALLY DESCRIBED  
HEREIN; A 0.61 ACRE PORTION OF A 20-FOOT INGRESS AND  
EGRESS ACCESS EASEMENT LOCATED AT 4280 SOUTH SHORE  
BOULEVARD, MORE SPECIFICALLY DESCRIBED HEREIN; AND A  
0.21 ACRE PORTION OF A 15-FOOT INGRESS AND EGRESS  
ACCESS EASEMENT LOCATED AT 4220 SOUTH SHORE  
BOULEVARD, MORE SPECIFICALLY DESCRIBED HEREIN;  
PROVIDING AN EFFECTIVE DATE.

Mr. Schofield indicated no comment cards were received on the Consent Agenda.

Mr. Schofield stated staff recommended adoption of the Consent Agenda as presented.

**A motion was made by Councilman Drahos, seconded by Councilman Napoleone, and unanimously passed (5-0), to approve the Consent Agenda as presented.**

Mr. Schofield indicated no comment cards were received for non-agenda items.

## **7. PUBLIC HEARINGS**

### **A. 17-1315 ORDINANCE NO. R2017-10 (PROHIBITING CONVERSION THERAPY ON MINORS)**

AN ORDINANCE OF THE VILLAGE OF WELLINGTON, FLORIDA AMENDING CHAPTER 36; ADDING ARTICLE V (PROHIBITION OF CONVERSION THERAPY ON MINORS); ADDING SECTIONS 36-45, 36-46, 36-47, AND 36-48; TO PROHIBIT THE PRACTICE OF CONVERSION THERAPY ON PATIENTS WHO ARE MINORS; PROVIDING FOR CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

Mr. Schofield introduced the item and indicated it was the second reading. Ms. Callovi read the Ordinance by title.

#### Public Hearing

A motion was made by Councilman Napoleone, seconded by Vice Mayor McGovern, and unanimously passed (5-0) to open the Public Hearing.

Dr. Julie Hamilton, Licensed Marriage and Family Therapist, stated she understood Council's desire to protect minors from being forced into therapy to talk about their homosexuality if they are not interested in changing. She said she appreciated Council's concern in ensuring children are not being hurt; however, she was concerned that this Ordinance goes far beyond that. She asked that Council consider making changes to it if they are still considering passing it. She indicated it was outside the jurisdiction of cities to oversee the practice of therapy, as it is overseen by the state. She also believed it was a violation of free speech and the First Amendment.

Dr. Hamilton explained the Ordinance goes far beyond the lesbian or gay teenager who does not want help, as it includes gender identity in the definition of terms. She said that any age child, such as a seven year old girl who is identifying as a boy, could not receive talk therapy. She indicated, however, the Ordinance does state that the therapist can provide support and assistance to a person undergoing gender transition, which means changing their biological sex. Therefore, the Village was saying that therapists could support a little girl in changing her biological sex through hormones and surgery, but they could not offer talk therapy to help her be comfortable being a girl.

Dr. Hamilton also asked Council to consider the ramifications of this Ordinance on teenagers in the short and long term. She explained teenagers in today's culture are faced with more choices of sexual identity and gender identity than ever before. She said many teenagers are just experimenting or are curious, many are looking to adopt labels and are trying to see what best fits them, many experiment and then have regrets, and many will come seeking therapy for change. She indicated the average age of kids being exposed to pornography, viewing sex and

hardcore porn via the internet, is between seven and nine years old. She stated with all that children are exposed to, the Council is taking away the option of getting professional help to clear up their confusion. Dr. Hamilton said it is one thing to say gay and lesbian teenagers should not be forced into therapy, but it is another to say that therapists cannot offer talk therapy for gender identity confusion, changing behaviors, or changing gender expression to a culture that is growing up in a different world and being exposed to so much confusion.

Dr. Hamilton provided Council with a letter that was written by one of her clients. She said it was from a minor describing all of the different trends they had met over the last couple of years and how therapy has been helpful. She stated the minor shared their stories with her as they happened, and they were about kids who are pansexual, transsexual, bisexual, bicurious, asexual, agender, etc. She indicated the letter describes some of their backgrounds as well as the confusion, depression, self-cutting, and suicidal they have experienced.

Dr. Hamilton asked Council, if they have to pass this Ordinance, to add that teenagers cannot be coerced or forced, or have therapy against their will. She thought that was reasonable, because what the Ordinance states now is not reasonable and truly dangerous.

Councilman Drahos explained he has spent fifteen years of his career as a medical malpractice attorney defending doctors, nurses, therapists, etc. He said his experience has led him to conclude that the experts on each side will speak passionately about how the person in question has or has not deviated from the standard of care. He said this experience has also led him to believe that in the medical profession there are differences of opinion and gray areas that often times are debated.

Councilman Drahos stated he was laboring over the definition of reparative therapy and offered a hypothetical situation. He said a 17-year-old boy comes to Dr. Hamilton and says he is the top track and field athlete in his school. He hopes to one day represent his country in the U.S. Olympics, but he wants to be gay and is afraid of being shunned by his athletes and his school. Councilman Drahos asked Dr. Hamilton what the goals are for a patient like this and how she would approach them.

Dr. Hamilton read from her consent form that everyone signs when they come to her for therapy. She stated she sees a wide range of clients, whether it is for depression, anxiety or homosexuality, and the same consent form applies to all of them. She indicated the main point of her consent form is that there is no guarantee that by pursuing psychotherapy that the client will be happier and no particular treatment can be guaranteed to be effective. She said the clients know that in writing, but she tells them there is no guarantee of what therapy can do for them. She stated some people have reported they have been able to change their homosexual behavior, some have reported that their attractions have diminished to varying degrees, and some say their attractions have not changed at all. She said it is different according to each individual and there is no guarantee that change can happen, but this is what they have heard from others who have attended therapy.

Councilman Drahos asked what the goal was for a patient like the 17-year-old boy he described. He asked if the goal was to change them or to help them find their own way. Dr. Hamilton stated the goal is to understand what they want to accomplish with their life and to go in that direction. She said the client has the right to self-determination and decides where they are headed with their life.

Councilman Drahos asked if that was different than conversion therapy. Dr. Hamilton stated it is different, because conversion therapy is a made up term and she does not know what that is. She said Council has been told that kids are forced into being changed against their will. She stated she would not know how to do that, but she does know how to help clients accomplish the goals they have for their lives, and sometimes those goals are to move beyond a homosexual orientation and seek a different path.

Dr. Hamilton explained when people hear conversion therapy they think there is this thing going on in normal therapy offices. She thought when Council was saying conversion therapy, they were talking about kids being hurt by being forced to undergo something they do not want. She said licensed, ethical therapists are not allowed to do that, but if Council feels they need extra measures to make sure that does not happen, they could spell that out in the Ordinance.

Councilman Drahos stated he was struggling with this because he did not believe the therapist should ultimately determine the end goal, whether the therapist is converting the patient to heterosexuality or homosexuality. Dr. Hamilton agreed.

Dr. Hamilton stated if Council wants to pass an ordinance to ensure that, she would encourage them to change the language. She said the current language states that the therapists cannot talk to a client who wants help, which would include gender identity, behavior and gender expression, but they could seek change of their biological sex.

Vice Mayor McGovern stated his concern was that Dr. Hamilton was talking about the consent form used in her office and not a form that was required in any way. Dr. Hamilton stated everyone is required to have a consent form, but there is not a format that everyone has to use.

Vice Mayor McGovern stated they all agreed the legal definition of a minor is a person under eighteen years of age. He asked, in the purposes of Dr. Hamilton's practice, if the parent or the child filled out the consent form. Dr. Hamilton explained the parent fills out and signs the form. She said she then meets with the child and asks them their goals. She stated they do not list their goals on the form. She indicated the form explains everything: the limits of confidentiality, the fee, the no guarantee of success, how therapy works, cancellation policy, etc. She said the child does not fill out paperwork. She stated the paperwork the parents fill out is an intake form with their name and address, and what they are seeking.

Vice Mayor McGovern asked if the adult parent was allowed to be present with their child during the therapy session. Dr. Hamilton said she has not had a parent ask to be present with their child when she meets with them. She stated the parent could be present with their child, but they would not be talking about the child's private thoughts, so they would not get anywhere for the sake of the child.

Vice Mayor McGovern asked Dr. Hamilton if she would decline a patient if the parent asked if they could be present during their child's therapy session. Dr. Hamilton thought it was important to understand that therapy works by having conversations, as it was not like dispensing medication. So if a parent wants to have a conversation about what is going on in the family and where their differences lie, they would go in a direction that makes sense for everyone. She stated if the parent does not want to leave the room, it would not be individual therapy for the child. She said they would be discussing what is happening or if they could repair relationships, but they probably would not be discussing homosexuality.

Vice Mayor McGovern asked if the right to confidentiality that was addressed in the form they just discussed was held by the minor or the parent. Dr. Hamilton stated what the minor shares in the therapy session is confidential to a point. She said if they were going to hurt themselves, using drugs, planning to run away or suicidal, that information would be given to an adult as well.

Vice Mayor McGovern asked Dr. Hamilton if she kept notes of her therapy sessions. Dr. Hamilton stated she only takes brief notes, as they are only required to write a paragraph or less. She said the parent does not see or get the file.

Vice Mayor McGovern asked, pursuant to the confidentiality notice, if the parents could get the therapy notes of a minor if they requested them. Dr. Hamilton stated she was not a legal expert, but she would not turn them over. She said she would have to seek legal counsel. She explained she does not write in detail what the clients are saying. For example, "The client was here. We talked about family communication, talked about confusion. Returning next week." She said that was done not only to protect the child from their parent, but to protect them from the file being court ordered later in life.

Councilman Napoleone understood that when Dr. Hamilton treats a minor, the parent has to sign the consent form. Dr. Hamilton stated that was correct.

Dr. Hamilton explained the therapists always ask the client what their goal is. She said when a teenager tells her they are gay and does not want to change or even be there, she asks them what she can help them with. She said most of the time the answer is family relationships. She stated she works with the client, as there is no point in trying to help someone change if they do not want to change. She said they may find another reason for her to help in some way, but if not and everything is fine, they are done. She asked Council to consider those clients who do want the help.

Judge Rand Hoch introduced himself as the President of the Palm Beach County Human Rights Counsel (PBCHRC), 400 N. Flagler Drive, West Palm Beach, FL. He said consent is the issue. He stated they were not asking Council to ban conversion therapy or sexual orientation change efforts. He said they were asking them to protect the children who do not have the legal ability to consent to something their parents are sending them to. He stated adults can seek this treatment if they want to.

Councilman Drahos asked if Judge Hoch recognized that a child may be struggling with their own identity and need some professional guidance. Mr. Hoch stated he could assure them that the child would not be able to get help by a licensed professional in Wellington, as they would have to drive to Dr. Hamilton's office or Lake Clarke Shores. He said the PBCHRC was not asking Council to deprive a single child of the ability to get help, but they were saying the children cannot get help in Wellington. He stated the PBCHRC wanted this to be a deterrent, so the practitioners who are doing this to children will not be able to do it in the Village.

Mayor Gerwig asked if Judge Hoch was going to go to Palm Beach Gardens or Lake Clark Shores to ask them to pass this same ordinance. Judge Hoch stated they absolutely were going to those other cities. Mayor Gerwig asked how people would be able to go there to get treatment. Judge Hoch stated they could go to Boca or Lake Clarke Shores, or Dr. Hamilton could open a satellite office in Martin County where the PBCHRC has no ability to get something like this done. He said they were not preventing children from getting help, as they were preventing children from getting this kind of help in the Village.

Councilman Drahos asked, where a 17-year-old who is struggling with their sexual orientation and feels they need someone to help them with that struggle, if Judge Hoch objected to a therapist providing guidance to them in terms of how they can handle their feelings without directing them to an end result. Judge Hoch stated the PBCHRC objected to someone who is saying through therapy they can change a client's sexual orientation, like what they get when they see Homosexuality 101, which Dr. Hamilton sells all over the internet.

Councilman Drahos stated he agreed with Judge Hoch, as the idea of approaching a patient with the premeditation of changing the patient's identity is offensive. He asked Judge Hoch if he recognized there may be a situation where a child needs licensed guidance from someone who has been trained on how to handle a struggle of what it may be like to live in a society where they are homosexual and they feel they cannot tell people that. Judge Hoch stated, referring to Councilman Drahos' earlier comment, there are a lot of openly gay and lesbian Olympians. He said they were very happy to have them out there. He thought if they were looking at kids nowadays, especially the kids in Palm Beach County, they were not seeing that. He stated the problems they have are with the parents. He said when it comes to unwanted sexual attraction, the unwanted generally attaches to the parents and not to the kids.

Councilman Drahos asked Judge Hoch what situation was more dangerous in his experience, a child struggling with their sexual identity and the parent has an offensive reaction and says they are taking the child to a licensed therapist for guidance, or a parent who has an offensive reaction and says they are taking the child to their unlicensed, untrained, unprofessional pastor to give them religious guidance. Judge Hoch stated he did not have to choose between them because that was not reality. He said the reality is they can go to Palm Beach Gardens. He stated PBCHRC was not saying these people cannot be treated by a licensed professional.

Judge Hoch indicated not many people out there do this and ten states do not allow it because it is junk science. He said studies show that this is harmful all the way through from children acting out to suicide. He stated there is no real science that says what Dr. Hamilton is selling works. He said every group she talks about is faith based and every signatory to their so-called FTC complaint is a faith-based group. He stated he had no problem with anyone saying go and talk to the pastor, as most parents who feel strongly about homosexuality would talk to their pastor.

At this point, Vice Mayor McGovern called upon those who wished to speak on this item.

<b>Name</b>	<b>For Ordinance/Ban</b>	<b>Against Ordinance/Ban</b>
1. Janine Grinage, 11235 Marina Bay Road, Wellington		X
2. Lisa Anderson, 12518 Teakwood Court, Wellington		X
3. Kevin Krieger, 840 Daffodil Drive, Wellington		X
4. Jeannine Krieger, 840 Daffodil Drive, Wellington		X
5. Kevin Shaw, 450 Oakshadow Way, Wellington		X
6. Peter Bartuska, 14515 Horseshoe Trace, Wellington		X
7. Francis Pastore, 8094 Kaliko Lane, Wellington		X
8. Mark Brintnall, 1293 Anhinga Drive, Wellington		X
9. Beth Brintnall, 1293 Anhinga Drive, Wellington		X
10. State Representative Rick Roth, 4823 Via Palm Lakes, WPB		X
11. Susan Nungesser, 200 Martin Circle, RPB		X
12. Laurie Hopple, 10745 Pelican Drive, Wellington		X



13. Cathleen Smythe, 1495 Merion Court, Wellington		X
14. Susan McBayer, 775 Sage Avenue, Wellington		X
15. Angela Shaw, 11169 Winding Pearl Way, Wellington		X

Vice Mayor McGovern read the comments of those who did not wish to speak into the record.

<b>Name</b>	<b>For Ordinance/Ban</b>	<b>Against Ordinance/Ban</b>
1. Jerry Poulette, 1768 Primrose Lane, Wellington		X
2. Sharon Pastore, 8094 Kaliko Lane, Wellington		X
3. Jean Sanson, 14553 Larkspur Lane, Wellington		X
4. Frank Sanson, 14553 Larkspur Lane, Wellington		X
5. Katherine Greenberg, 13745 Exotica Lane, Wellington		X

There being no further public comments, a motion was made by Councilman Napoleone, seconded by Councilman Drahos, and unanimously passed (5-0) to close the Public Hearing.

Mayor Gerwig read a statement she prepared expressing her feelings about the LGBT people in her life that she cares deeply about. She stated she saw no evidence of the conversion therapy that is being used as the emotionally charged catalyst for this Ordinance. She said she also did not see any situations or conditions that indicate the parents in Wellington are somehow unable to make proper decisions for their children. She stated she found a certain amount of security in the licensing and accreditation of professionals. She thought without properly trained therapists to assist in this process, it could become a serious issue that may in fact lead to a worst case scenario. Mayor Gerwig stated she did not want to be responsible for that, which is why she will not support the ban. She said she did not think it would serve the best interest of any child or family in Wellington.

Councilman Drahos thanked Mayor Gerwig for her statement. He stated he made his position on this rather clear at the first reading. He said he will never support conversion therapy as it is defined and as he understands it. He stated the idea of having a premeditated plan to change one's sexual orientation is archaic and personally offensive to him, whether it is guided towards heterosexuality or homosexuality. He said he has struggled with the gray area in this issue, which is when a child needs professionalism therapy dedicated towards helping them reach their own personal end result and not dedicated towards reaching an end result.

Councilman Drahos indicated he voted in support of this Ordinance at the first reading, because he believed a message should be sent to the community that Wellington does not support conversion therapy. He said he hoped that on second reading Council could come to some sort of language that could potentially satisfy all. He stated Mayor Gerwig was the lone vote against it and took a lot of criticism for it. He said he still hoped to pass a 5-0 vote tonight and send a very clear message to all where Wellington stands on this.

Councilman Drahos stated, so long as he sits on this Council and serves this community, he is going to do what he personally feels is right regardless of the fallout. He said he did not want to be a pawn in some political plan. He stated this was an opportunity for Wellington to lead, as numerous other municipalities have passed this ordinance unanimously. He said the Village has had its first attempt of someone courageously voting against it. He hoped this Council would be courageous enough to come up with some language they all could live with, because he did not think any of them would support the idea of sending someone to a therapist to rewire their brain just because they are gay. He said he wanted to join all of them in sending a

message to the community that this type of ideology is outdated and archaic. He stated Council could do that by passing an ordinance that clearly bans abusive conversion therapy. He said he did not want to follow every other municipality and just sign-off on language that has been given to them. He believed Council could come to some language that would protect the gray area, medical judgement, medical expertise, and freedom of parents to make their own personal choices. He said he will be working hard to get Council to find that common ground.

Councilwoman Siskind asked if anything in this Ordinance banned a parent from taking their son or daughter for legitimate talk therapy if they are having questions about their sexuality. Ms. Cohen indicated the Ordinance does not ban talk therapy. She said conversion therapy and reparative therapy are defined interchangeably as any counseling practice or treatment performed with the goal of changing an individual's sexual orientation. She stated the Ordinance prohibits using the professional counseling situation to try to change someone's sexual orientation.

Councilwoman Siskind stated that is where she feels the Ordinance does not remove parental rights or taking away anyone's right. She said she keeps coming back to the word "goal" in the definition – the goal of the therapy is to talk the person out of being gay. She understood that to be how conversion therapy is defined in this Ordinance.

Councilwoman Siskind stated she has not changed her position since first reading and she still sides with every major credible world health organization that says this is ineffective and harmful. She said she still sees it as protecting the safety and wellbeing of minors. She stated Council could still discuss it, but she would be hesitant to change the language, versus keeping it consistent with what every other municipality or state has passed, based on the fact it would make the Village vulnerable.

Councilman Drahos asked what if the patient's goal was to change their sexual orientation. Councilwoman Siskind stated, as Ms. Cohen said, the patient could go and have legitimate therapy. Councilman Drahos said they cannot receive licensed therapy. Mayor Gerwig indicated the goal cannot be to change an individual's sexual orientation or gender identity.

Councilwoman Siskind said if she was a pastor, she would be offended by some of the things said this evening. She thought if someone had strong faith, their church would be a good place to start. She asked why that was a bad alternative.

Councilman Drahos stated he was not condemning pastors or people of faith, as he chooses to have his children schooled in a Christian environment. However, the Council is playing judge and jury as to how a licensed medical professional should use that training. He said there is language they can use, such as, "if you are going to practice well known, well established, hurtful policies that do not show scientifically based efficacy or safety . . .," to ban conversion therapy. But when they get into the gray area of having a child that is confused and does not know if they are gay or straight, the Council would be tying the hands of the therapist who is helping that child get to the end result.

Vice Mayor McGovern stated his point remains that he does not think a minor can set the goal or have the power to determine the scope and course of therapy, as might be the case for Dr. Hamilton. He said he was greatly heartened this evening by seeing the power of great, strong families bonded together to succeed as individuals and a family unit. He expressed concern for when they get into the regulatory power of government. He stated they were talking about protecting the minority who are in a dangerous situation and place. He said in that instance he

will always side with ensuring minors are protected. He thought that was what Wellington was about, a place where children can always be safe. Vice Mayor McGovern stated that is why he will vote for the Ordinance again. He said if there is a way to change it so the minor does not set the goal, he would be willing to work with Council. But short of that, he would support the Ordinance.

Councilman Drahos thought they were on the right track, as they were basically saying the same thing from different viewpoints. He said he did not like therapy that starts off with an end result already being established. He indicated they can use language from the American Psychological Task Force's Report that the LGBT community has embraced as being authoritative. He indicated their ordinance as written defines conversion therapy and goes through the definitions. He thought the end of the last sentence provided the latitude of exercising proper judgement. He indicated when defining conversion therapy it says "as long as such counseling does not seek to change sexual orientation or gender identity." He suggested they add "without imposing a specific sexual orientation outcome." He stated that was slightly different, but provided a tremendous amount of latitude and freedom to the therapist. He said they were not banning the option of potentially changing if that is ultimately what the therapy bears out or allowing the freedom of the therapist to let the patient reach that result on their own. He thought that was better than cutting off the line directly and saying that is not an option and they are not going to support it. He wanted to allow the therapists to work with their patients to the conclusion on their own. He did not want to implement an absolute ban that would tie their hands and not let their clients get to that result.

Councilman Napoleone stated he went back and rewatched the last meeting and reread the materials as well as read all of the submissions from the last meeting. He appreciated everyone for coming out this evening to express their heart felt belief and well-articulated positions.

Councilman Napoleone thought Council was losing sight of the language in the proposed statute. He stated they all seemed to grasp the initial part, the goal of changing, but they were missing the part that allows counseling that provides acceptance, support, and understanding of a person or facilitates a person's coping, social support and development. He said that can happen. He indicated, as they discussed at the last meeting, if the byproduct of therapy from someone who is struggling with these issues is that they decide to go either homosexual or heterosexual as a result of the therapy, that is allowed. He stated the therapist cannot come in with the goal of directing someone to change from what they seem to be to what they are. He said the therapist can talk them through it with talk therapy and work them through it, but whatever the result is, the result is.

Councilman Napoleone stated this therapy has been rejected by at least twelve scientific, credible organizations and eight states, because they have found it to be harmful, not helpful and not real science. He said for those reasons Wellington should have a compelling interest in protecting the physical and psychological wellbeing of its minors. He did not think they needed a precipitating event like a suicide to finally make them act and take notice. He thought a preemptive ban would be good, because currently no one in Wellington practices conversion therapy. He stated if other places allow it, then people can go there. He believed as people become more enlightened as to what the true harms of this therapy are and have been determined to be by people who do this for a living, they will see more states implementing the ordinance. He agreed Wellington should lead and not wait until the state acts or enough people act before deciding to join in. Councilman Napoleone stated he would again support voting to pass this Ordinance.

Councilman Drahos stated the definition that has been given to Council largely mirrors the abstract written by the APA. He said there is a change at the end of the sentence, which bans the counselor from changing sexual orientation or gender identity. He suggested Council mirror the exact language of the APA, take out the language at the end that bans the change, and say “without imposing a specific sexual orientation outcome.” In other words, Council would be giving the therapists the freedom to do their jobs. He said if Council outright bans therapists from providing this type of therapy, then they are in a sense telling therapists how to practice.

Vice Mayor McGovern did not think that was true. He thought Council was saying that the therapists can do everything up until that last portion, which has to be decided when the client becomes an adult.

Councilman Drahos stated he used Bruce Jenner as an example because he struggled for 35 or 40 years with his sexuality. He thought if Bruce Jenner had an opportunity to meet with a licensed therapist earlier in life, he may not have lived through that struggle for so long.

Vice Mayor McGovern stated Bruce Jenner had 20 years or more to do that from when he was 18 years old. He said as an adult Bruce Jenner could have done any number of things, as he was an Olympian.

Councilman Drahos stated he was using Bruce Jenner as a 17-year-old boy who may have had the same types of struggles, but that ultimately could go to a therapist where he could say he identified himself as a homosexual, because sometimes they need a professional to get them there. He said why not allow the therapists the freedom to do their jobs and not ban them from doing so.

Mayor Gerwig thought the Leelah Alcorn case was a real tragedy and an impetus to banning conversion therapy. She explained Leelah was born Josh Alcorn and he did not want any therapy. However, his parents took him to two or three different conversion therapists. Mayor Gerwig stated, a few months before Josh turned 18, he walked in front of traffic and killed himself. She said she did not understand how this ban would have changed that.

Mayor Gerwig thought this was a horrible situation and none of them on Council would want this to happen, including the very devout parents of this child. She said, for the Council to go to this length now and ban ethical, licensed practitioners who can help families and tell them when they are not going to get the result they want, it is not a matter of shutting down a conversation, it is helping the family deal with the distress they are in. She thought that should be allowed and allowed from a worldview that matches at least some of the family members, and maybe all of them.

Mayor Gerwig stated she knows a lot of Christians, including entire congregations, who do not think homosexuality is anything other than a normal happening and do not have a position on it. However, others do, and they may have guilt or questions, or even doubt that is what they want. She said that is what they do in this country, they leave things open for discussion and work together to try to get to an outcome. She stated nothing in this Ordinance would have prevented the tragedy she explained earlier.

Councilman Drahos asked if any of the Council members found the following hypothetical scenario offensive, wrong, improper, medically unethical, unprofessional or dangerous: A child goes to a therapist, because they are confused about their identity and needs help. During the

session, the therapist does not approach the child with any kind of end goal to change their sexual orientation and allows the child to reach their own conclusion.

Vice Mayor McGovern thought Ms. Cohen just stated that would be completely allowed under this Ordinance, so he said his answer is no. Councilman Drahos stated the Ordinance says that “as long as such counseling does not seek to change sexual orientation or gender identity.” He said he was having trouble processing if during therapy the patient ultimately concluded they wanted to change their identity.

Councilman Napoleone thought the scenario would be permissible, as the Ordinance says “the counseling does not seek to change.” He said the change can come as a result of the counseling. He explained the counseling cannot be directed to have a goal of or seek to change. But if the patient organically comes to the conclusion through talk therapy that this is where they are and where they want to be, they can change. He stated they could not put the cart before the horse. He said they have to go through the therapy to find out what the end result is going to be. He stated if the patient comes in thinking one way and leaves another way or comes in one way and leaves the same way, that is okay, as they just cannot predetermine the outcome, which is why he is okay with the language. Councilwoman Siskind agreed.

Councilman Drahos suggested, if that is the case, Council could play it safe and model the actual recommendation from the APA Task Force, because the Ordinance that has been provided changed that last bit of language. He said if he is over reading it as a lawyer, they should default to the actual report and use that language. Because if he is right, they will actually be banning therapy they all agree is helpful.

Ms. Cohen stated the language contained in their Ordinance has been upheld by a federal court. She said she feels confident and comfortable in saying that she thinks that language can survive legal challenge. However, if Council starts changing it, she could not give them that same sense of confidence.

Mayor Gerwig asked how using the APA language would change how the Village would legally defend this Ordinance. She stated she was back to square one with this, because Council is trying to practice something that is outside of their realm. Ms. Cohen stated she was not saying it would necessarily change anything, but the language contained in the Ordinance has survived a challenge, so that was her only caution to Council.

Councilman Drahos stated the language he was advocating has survived medical challenge, as it has been through medical experts. He explained he was suggesting changing conversion therapy definition A, line 36, and striking “as long as such counseling does not seek to change sexual orientation or gender identity” and stating “without imposing a specific sexual orientation outcome,” which is an exact mirror of what the APA wrote in their report. He stated the therapist cannot impose a specific sexual orientation outcome, as it is up to the patient to reach that conclusion. He said that is all they would be stating and that is what the APA stated.

Vice Mayor McGovern indicated the problem is that it would become inconsistent with the sentence immediately above it, lines 26 through 31. He thought the issue here, the determining of the goal for a minor could be determined by the parent, would still come back if put to test. He said ultimately the change portion of this should be decided by adults, particularly in those families where they are not the successful family units they have seen and talked about in their last two meetings.

Councilman Drahos stated, in that situation, the parent comes to the therapist and says they want their child's brain to be rewired. He said that was contrary to what he was saying as the therapist would be imposing a specific sexual orientation outcome. He believed his language would still prevent that type of a situation, as he was not advocating for that type of practice. He stated imposing an outright ban and not allowing for the gray area is dangerous and not necessary. He said they could model the language that has been medically challenged, as Council is not made up of medical professionals.

Councilman Napoleone thought the language as written accomplished the goal and covered the gray area Councilman Drahos was concerned about. He said it is good to use language that has withstood challenge, as opposed to drafting language and not knowing what will happen in court.

Councilman Napoleone stated he appreciated Mayor Gerwig's comments, and the fact he intends to vote to approve this Ordinance in no way diminishes them. He said he respected everyone's opinions and viewpoints, because that is what makes this process work. He stated he was comfortable with the language that has been drafted and he would not want to change any of it.

Councilman Drahos asked Ms. Cohen what federal opinion she was referring to. Ms. Cohen stated she was referring to the decision in the case of Tara King, et al v. Governor of the State of New Jersey, et al. She said it is a Third Circuit opinion that relied on the case in which Dr. Pickup was the named party and it upheld the exact language that is contained in their Ordinance.

Councilman Drahos stated the Third Circuit is persuasive but not binding in Florida. He said although there is one opinion in the Third Circuit, there is nothing in Florida to guide them that would be binding.

Ms. Cohen stated she was not suggesting that there is some legal precedent that ties their hands. She said she was suggesting that the more prudent approach would be to use language that has already withstood a legal challenge. She stated if Council wants to change the language, they are certainly entitled to do so.

**A motion was made by Councilman Drahos to approve Ordinance No. 2017-10 with the change of striking the language in line 36 that reads "as long as such counseling does not seek to change sexual orientation or gender identity" and incorporating the language from the American Psychological Association (APA) which states "without proposing a specific sexual orientation outcome." The motion died for a lack of a second.**

**A motion was made by Councilman Napoleone to approve Ordinance No. 2017-10. Councilman Drahos asked for discussion.**

Councilman Drahos asked the Council to consider adding coercive or abusive to the definition. He stated it would read "conversion therapy is any coercive or abusive counseling practice or treatment performed with the goal of changing an individual's sexual orientation." He also suggested adding "against their will." Mayor Gerwig thought coercive covered "against their will."

Councilman Napoleone and Councilwoman Siskind each indicated they would not support that change.

Vice Mayor McGovern thought his issue was still unchanged. He thought all of this placed the burden on the minor and this Ordinance was about protecting minors in very challenging and difficult situations.

Mayor Gerwig understood that, but nothing in this Ordinance would have protected Leelah. She said what needed to happen in that situation was for the minor to seek help, as the minor was being abused. She stated she did not think that the Ordinance should guide them. She said that is why she shared Leelah's story, because they do not want that to ever happen. She thought what was being said was insulting to the parents of Wellington, who are the best people to make decisions for their minors, along with the minor's own self-determination. She said she would never go against that.

Councilman Drahos stated he did not want this to get any more contentious. He said it is passionate and he understands the passion on both sides. He stated this is the most difficult vote he has had as a Councilman and he can anticipate it being the most difficult of his entire political career, because it is so personal.

Councilman Drahos asked what harm there was in adding abusive or coercive to the definition. Vice Mayor McGovern stated the issue for him was still as determined by who. He said he was concerned about the minority in that regard, which is his concern in all regulatory issues they deal with. He stated most people can analogize to a point that it goes too far and most people want to do the right thing. He said for those people regulations are probably not needed, but for the others, and however tiny of a group that might be, that is what they are erring on the side of, and that is his concern.

Mayor Gerwig thought Vice Mayor McGovern was taking away a lot of parental rights along the way to do what he was talking about. She said children need their parents to help them figure out these things. Vice Mayor McGovern stated nothing in this Ordinance would stop that in any way.

Councilwoman Siskind agreed this would not stop the parent from taking their child to get legitimate counseling, to their religious organization or to get legitimate therapy. She said the definition as stated is that the goal cannot be to change the person. She did not think anyone was saying they would not have rights as a parent. She agreed government does put restrictions on what parents can and cannot do with their children. She stated they have laws on many things, including what time their minor children can drive on the road at night. She said to say that makes them bad parents, because the government makes laws like that, she did not think was a true statement. She thought this Ordinance would protect the minors and not inhibit anyone's rights.

**A motion was made by Councilman Napoleone, seconded by Vice Mayor McGovern, and passed (3-2), with Mayor Gerwig and Councilman Drahos dissenting, to approve Ordinance No. 2017-10 (Prohibiting Conversion Therapy on Minors) as presented on Second Reading.**

Councilman Drahos stated there was great fear among political officials of a vote being misconstrued. He said he had every confidence in Mr. Morgan and Mr. Buckley accurately conveying his message when they write their stories. Councilman Drahos clarified to Judge Hoch as well as the LGBT community that his opposed vote was not in any way a ratification of conversion therapy. He said he is personally opposed to any therapy that has a predetermined

outcome of changing that person's sexual orientation. He stated his heart is telling him that he should trust the medical professionals to do the right thing. He said his opposed vote is a vote of confidence in the medical professionals and in the parents' judgement, and it should not be construed as a vote that is anti-gay or anti-lesbian or trying to marginalize or trivialize their struggle, as he did not want to make it any more difficult. Councilman Drahos hoped, although they were not on the same side in the end, Judge Hoch would appreciate the fact that his heart is genuine on this. He said he wanted to do the right thing, and he believed he did.

Mayor Gerwig stated Council disagreed on how to do that, but she did not think any of them wanted the worst case scenario, so she would agree with that.

## **8. REGULAR AGENDA**

### **A. 17-1297 OUTSIDE LEGAL FEES AND COSTS**

Mr. Schofield introduced the item.

Ms. Cohen explained the outside legal fees and costs and reviewed the chart she provided to Council.

Council thanked Ms. Cohen and her staff for reducing the caseload and associated outside legal fees.

**A motion was made by Councilman Napoleone, seconded by Councilman Drahos, and unanimously passed (5-0) to approve the outside legal fees and costs of \$123,827.91.**

## **9. PUBLIC FORUM**

Mr. Schofield indicated no public comment cards were received for the Public Forum.

## **10. ATTORNEY'S REPORT**

**MS. COHEN:** Ms. Cohen presented the following report:

- She congratulated Chevelle D. Nubin, Village Clerk, on receiving the prestigious Home Rule Hero Award.

## **11. MANAGER'S REPORT**

**MR. SCHOFIELD:** Mr. Schofield presented the following report:

- The next Regular Council Meeting will be held on Tuesday, July 11, 2017 at 7:00 PM in the Council Chambers. He noted that since there was only one meeting scheduled for July, he had been asked if the meeting could be changed to July 25th since several Councilmembers would be absent from the July 11th meeting. He explained that because there is a specific deadline to submit TRIM information to the County, the Village would not meet that deadline if the TRIM items were heard on July 25th.
- Wellington's Annual 4th of July Celebration will start with a patriotic pool party at the Aquatic Complex from noon until 5:00 PM. The celebration will continue at Village Park at 6:00 PM and end with fireworks at 9:15 PM.



- Village Offices will be closed Tuesday, July 4th.

## **12. COUNCIL REPORTS**

**COUNCILWOMAN SISKIND:** Councilwoman Siskind presented the following report:

- She suggested filling the opening on the Public Safety Committee as quickly as possible in light of the safety concerns in the Village. She recommended having a Town Hall or meeting for the residents to express their concerns.
- She wished everyone a safe and fun 4th of July.

**VICE MAYOR MCGOVERN:** Vice Mayor McGovern presented the following report:

- He hoped everyone would join them at the 4th of July festivities.
- He also hoped everyone would come out to the Amphitheater on Thursday, June 29th at 6:30 PM to see the Air National Guard Band of the South, some local veterans, and the honoring of former Mayor Tom Wenham at 7:30 PM.
- He thanked Council and staff for the birthday celebration at the last meeting.

**COUNCILMAN DRAHOS:** Councilman Drahos presented the following report:

- He noted that some Wellington students recently had some success at the 2017 National Speech and Debate Association (NSDA) National Championship Tournament. He asked Coach Gaba, who was in the audience, to speak on this.

Coach Paul Gaba stated the Florida Oceanfront National Speech and Debate Association District's World Schools Debate team, which is made up of four Wellington students, finished 32nd out of 175 teams. He said there were six national champions from Florida and two were from Palm Beach County. Council congratulated Coach Gaba and the students on their accomplishments.

Councilman Drahos continued with this report:

- Councilman Drahos said he would see everyone on July 4th.

**COUNCILMAN NAPOLEONE:** Councilman Napoleone presented the following report:

- He cautioned everyone on using fireworks, as they can disturb animals as well as veterans with Post Traumatic Stress Disorder (PTSD).

**MAYOR GERWIG:** Mayor Gerwig presented the following report:

- She asked everyone not to use fireworks. She said many horses stay through the summer and they can kill themselves out of fear. She encouraged everyone to go to the public displays where it is safe.
- She stated the flags in the Village were at half-mast today to acknowledge the loss of the Navy shipmen who were on the USS Fitzgerald.

**13. ADJOURNMENT**

There being no further business to come before the Village Council, the meeting was adjourned at approximately 9:50 PM.

**Approved:**

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**Anne Gerwig, Mayor**

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**Chevelle D. Nubin, Village Clerk**