

## SPECIAL CITY COUNCIL MEETING

MUNICIPAL COMPLEX  
DATE: TUESDAY, JUNE 1, 2021

PORTSMOUTH, NH  
TIME: 6:00PM [or thereafter]

### **I. CALL TO ORDER**

Mayor Becksted called the special meeting to order at 6:00 p.m.

### **II. ROLL CALL**

PRESENT: Mayor Becksted, Assistant Mayor Splaine, Councilors Whelan, Lazenby, Kennedy, Huda, Tabor and Trace

ABSENT: Councilor McEachern

### **III. First Reading to Real Chapter 3, Article XI – Face Coverings during the COVID-19 Pandemic Ordinance**

**Assistant Mayor Splaine moved to pass first reading and schedule a public hearing and second reading of the ordinance at the June 7, 2021 City Council meeting. Seconded by Councilor Huda.**

Assistant Mayor Splaine asked City Attorney Sullivan to speak to the impact of the ordinance, concerns and rights of businesses, organizations and schools to do as they wish for requiring masks. City Attorney Sullivan said Governor Sununu made it clear by the Attorney General that private businesses would retain the right to run their own businesses regardless of the State or City. With that being said, businesses, organizations and schools would need to stay away from race, religion, natural origin and gender which include requiring customers to wear masks whether the ordinance is repealed or not. Assistant Mayor Splaine said the City would support that. City Attorney Sullivan went on to say that a business could ask someone to leave or the Police Department could be called for legal trespass. In addition, City Attorney Sullivan stated that the School Department makes the decision regarding the authority to require masks at schools.

Mayor Becksted said the non-profits would be able to do as they wish, as to requiring masks.

Councilor Lazenby asked City Manager Conard if the Arts and Non-Profits Blue Ribbon Committee request that businesses be allowed to require masks indoors. City Manager Conard said the BRC to Reopen Portsmouth and the BRC on Health will weigh-in to request that indoors masks remain in place until June 30<sup>th</sup>.

Councilor Tabor said if we vote to repeal the ordinance for outside and cap requirement for inside until June 30<sup>th</sup> what would the Council need to do. City Attorney Sullivan indicated the Council could do that but you would need to suspend the rules for amendments at first reading and determine the wording of the amendment. He suggested to pass first reading as is and he could prepare an amendment to bring forward at second reading at the June 7<sup>th</sup> City Council meeting. Councilor Tabor

said people that are vaccinated can be outside and be safe but you still have people inside that are not vaccinated that could transmit COVID-19.

Mayor Becksted said the CDC recommends no masks and the City must determine what kind of guidelines we will follow. He said residents, staff and the Fire Department has got us to where we are and he looks forward to the conversation at the June 7<sup>th</sup> City Council meeting.

Councilor Whelan asked if we still are restricting people inside restaurants and when will that change. City Manager Conard said we would look to do that on June 30<sup>th</sup> based on CDC recommendations and also go with the will of the City Council.

Councilor Lazenby said he would support to have the option to amend the ordinance at second reading available at the June 7<sup>th</sup> City Council meeting.

**On a roll call vote 8-0, motion passed.**

#### **IV. PUBLIC COMMENT SESSION**

Ben Vancamp – said over the past week he has spoken with businesses on this matter and opinions are all over the place. He said businesses feel they are losing business because of the mask mandate however, they are concerned for the 12-15 year olds. He stated he trusts the experts, our health officer and officials to hold off and maintain the mask mandate until the end of June.

Scott Chaudoin said he feels it is ridiculous to have to wear a mask around the City because he is fully vaccinated. He said it is time to lift the mandate.

After three calls and no further speakers, Mayor Becksted closed the Public Comment Session.

#### **V. ADJOURNMENT**

**At 6:20 p.m., Assistant Mayor Splaine moved to adjourn. Seconded by Councilor Kennedy and voted.**



KELLI L. BARNABY, MMC/CNHMC  
CITY CLERK