

## TITLE 2

### BOARDS AND COMMISSIONS, ETC.

#### CHAPTER

1. BEAUTIFICATION COMMITTEE.
2. PARKS AND RECREATION ADVISORY BOARD.
3. ATHLETIC COMMITTEE.
4. PROJECT ASSISTANCE BOARD.
5. SISTER CITY COMMITTEE.
6. HISTORIC ZONING COMMISSION.

#### CHAPTER 1

### BEAUTIFICATION COMMITTEE

#### SECTION

- 2-101. Creation, purpose.
- 2-102. Chair, membership.
- 2-103. Removal of members, filling of vacancies.
- 2-104. Quorum, meetings, and bylaws.
- 2-105. Record of proceedings to be kept.
- 2-106. Goals and objectives.
- 2-107. Powers and duties.
- 2-108. Special events.
- 2-109. Limitation on powers of the committee.

**2-101. Creation, purpose.** There is hereby created a beautification committee which shall work for the improvement of the aesthetic nature and appearance of the town; work toward the improved cleanliness and appearance of the town; and shall work through the codes department for the town in an effort to see that the town's ordinances, codes, and regulations are strictly and fairly applied throughout the community. (Ord. #05-36, Sept. 2005)

**2-102. Chair, membership.** The committee shall consist of eleven (11) members, all of whom shall be nominated by the town council and appointed by majority vote of the town council. The members must be residents within the corporate limits of the Town of Smyrna. The town council shall appoint one of its members to serve the length of his or her term as a liaison to the council from the committee. Those members on the committee as of the date of the amendment of the ordinance comprising this chapter shall continue to serve until the March, 2006 town council meeting. Beginning in March 2006, five (5) members shall be appointed for a one (1) year term and five (5) members shall

be appointed for a two (2) year term. Other than the appointments made in March 2006, each member shall hold his or her seat for a period of two (2) years from the date of appointment. Members of the committee shall serve without compensation.

In addition to the appointed members above, the town manager shall designate three (3), non-voting, standing members of the committee. The standing members shall be representatives of the codes department and the building and grounds department. One (1) of the three (3) standing members shall be designated and act as the secretary for the committee.

Beginning in the first meeting after committee appointments are made in March of 2006, the committee shall vote to select a chairperson for the committee from its membership, which chairperson shall serve for a period of one (1) year. (Ord. #05-36, Sept. 2005)

**2-103. Removal of members, filling of vacancies.** Members of the committee may be removed by the town council for neglect of duty, conflict of interest, malfeasance in office, violation of the ethics ordinance, or other just cause, or for unexcused absence from more than three (3) consecutive meetings or more than five (5) non-consecutive meetings during the member's term of appointment. It is the duty of the Town of Smyrna staff representative to advise the town manager when removal is recommended or necessary based on the provisions herein. The decision of the town council will be final with no appeal. Committee members who are unable to attend regular meetings are expected to tender their resignation. Should a vacancy occur, then the vacancy shall be filled by appointment by a majority vote of the town council at the next council meeting after which the vacancy occurs, which appointee shall fill the unexpired term of the vacant position. (Ord. #05-36, Sept. 2005, modified)

**2-104. Quorum, meetings, and bylaws.** A majority of the members of the committee shall constitute a quorum for the transaction of business. They may hold general or special meetings in the town hall at such times as they may by order direct and may make and establish such reasonable bylaws, rules, and regulations as may be necessary for their own government and for the full and complete execution of their powers and duties. (Ord. #05-36, Sept. 2005)

**2-105. Record of proceedings to be kept.** The secretary shall keep a permanent record of the proceedings of the committee in a book provided for that purpose. All minutes of the meetings of the committee shall be public records. (Ord. #05-36, Sept. 2005)

**2-106. Goals and objectives.** The committee shall consider the following list of objectives and goals but shall not be bound by any one of them and further may consider any other matters which would further the stated

purpose, powers, and duties of this committee. The list of items which may be considered include:

(1) Conserve the town's natural beauty and visual character and charm, with due regard to the aesthetic qualities of the natural terrain and landscaping, and that proper attention is given to the exterior appearance of structures, signs, and other improvements.

(2) Foster civic pride and community spirit so as to improve quality and quantity of citizen's participation in local government and in community growth, change and improvements.

(3) Submit any recommendations reflecting the majority opinion of said committee for the improvement of the overall environment of the Town of Smyrna to the town council. (Ord. #05-36, Sept. 2005)

**2-107. Powers and duties.** The committee shall serve as an advisory and reporting agency of the Town of Smyrna and the town council. The committee shall make such studies and perform inquiries so as to promote the beautification of the Town of Smyrna. The committee shall carry on such educational programs as it may deem advisable in the promotion of its purpose and may hold such meetings and conduct such public forums as will promote its purposes. The committee shall make such recommendations to the town council as it deems advisable in connection with projects, programs or developmental betterment of the Town of Smyrna. (Ord. #05-36, Sept. 2005)

**2-108. Special events.** The committee may sponsor and coordinate special events, such as the Troops parade, the holiday lighting ceremony, and the purchase of decorative banners, flags, and holiday lights, as approved by resolution of the town council. All special events for the Town of Smyrna shall be approved by the town council no later than thirty (30) days in advance of the proposed special event. Each request for approval of a special event shall include a proposed budget for the event. (Ord. #05-36, Sept. 2005)

**2-109. Limitation on powers of the committee.** The committee shall have no authority in law, in fact, by implication or otherwise to bind the Town of Smyrna or the mayor or the town council, for any contractual obligation unless specifically authorized and permitted by resolution or ordinance of the town council dealing upon the particular subject thereof and which said limitation shall include the prohibition upon committee from incurring any monetary liability whatsoever on the part of the Town of Smyrna or the mayor or town council. (Ord. #05-36, Sept. 2005)

## CHAPTER 2

### PARKS AND RECREATION ADVISORY BOARD<sup>1</sup>

#### SECTION

2-201. Creation.

2-202. Membership.

**2-201. Creation.** There is hereby created a Smyrna Parks and Recreation Advisory Board (hereinafter referred to as "board"), to serve in an advisory capacity to the town council and the parks and recreation director (hereinafter referred to as "director"), in matters enumerated in this chapter. (as added by Ord. #01-10, May 2001)

**2-202. Membership.** (1) Criteria. The selection of board members will be made from individuals who have an interest in park, recreational, social, and cultural activities and in various park and recreation facilities, as may be evidenced by their training, experience and/or actions and who reside within the corporate limits of the Town of Smyrna.

(2) Composition. The board shall consist of nine (9) voting members, all of whom must reside within the corporate limits of the Town of Smyrna, two (2) of whom shall be members of the town council, and one (1) of whom shall be the chief of police or his or her designee. The remaining six (6) voting members of the board shall be referred to herein as the "citizen members." All voting members of the board, other than the chief of police or his or her designee, shall be appointed by a majority vote of the town council. The town council shall also appoint, by majority vote, one (1) non-voting member who resides outside the corporate limits of the Town of Smyrna. The director shall serve as ex-officio, non-voting member of the board. All members of the board shall serve without compensation.

(3) Terms. All members of the board, other than the director and the chief of police or his or her designee, shall be appointed for a term of two (2) years each, beginning on the first day of April of the year in which each such member was appointed. Notwithstanding the foregoing, however, no member of the town council who serves as a member of the board shall continue to serve as a member of the board after he or she ceases to be a member of the town council unless reappointed as a citizen member. The terms of all voting members, other than the chief of police or his or her designee, shall be staggered so that the terms of at least four (4) members shall expire each year.

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<sup>1</sup>Municipal code reference

Parks and recreation department public use facilities: title 20, chapter 2.

(4) Removal. Members of the board may be removed by the town council for neglect of duty, conflict of interest, malfeasance in office, violation of the ethics ordinance, or other just cause, or for unexcused absence from more than three consecutive meetings or more than five non-consecutive meetings during the member's term of appointment. It is the duty of the Town of Smyrna staff representative to advise the town manager when removal is recommended or necessary based on the provisions herein. The decision of the town council will be final with no appeal. Board members who are unable to attend regular meetings are expected to tender their resignation.

(5) Vacancies. Vacancies created by causes other than the expiration of a term shall be filled for the remainder of the term in the same manner as otherwise provided in this section.

(6) Purpose of board. The board shall provide citizen oversight of the conduct and supervision of the town's park and recreation facilities and activities on properties owned or controlled by the town and shall make recommendations to the appropriate town officials. The board shall advise the director in the formation of public park policy and facility development and management. The board shall recommend a program of recreation and cultural activity that will employ the leisure time of the citizens in a constructive and wholesome manner.

(7) Bylaws and regulations. The board shall have the power to adopt and revise bylaws, rules, and regulations for the purpose of conducting the business of the board and the proper conduct of public recreation in the town. The board, when it deems prudent, may also make recommendations to the town council for amending this chapter.

(8) Board not empowered to obligate town or incur liability. Notwithstanding anything that may be herein contained or implied to the contrary, the board shall not be empowered to obligate the town in any way or to expend or incur liability for any sum of money, except as may be provided for in the yearly budgets and appropriations adopted by the town council.

(9) Chairperson. The mayor shall, on an annual basis, designate one of the citizen members of the board to serve as chairperson. The chairperson shall serve for a one-year period, beginning with the board's first meeting in April of each year, or until his or her successor has been appointed. Should a vacancy occur in the office of chairperson, the mayor shall designate another citizen member of the board to serve as chairperson for the remainder of the unexpired term. The chairperson will preside at all meetings of the board; preserve order and decorum; enforce the rules and regulations of the board; sign all letters and documents as authorized by the board (and only to the extent permitted by applicable law); and will otherwise perform the duties devolving upon a presiding officer.

(10) Other officers. During the board's first meeting in April of each year, the board will elect a vice-chairperson from among its citizen members, who shall serve for a one-year period, or until his or her successor has been

elected. The vice chairperson shall preside at all meetings of the board in the absence of the chairperson. The director will provide a secretary from staff who will assume charge of all records of the board and who will keep accurate and complete minutes of all meetings thereof.

(11) Meetings. The board will determine a regular meeting schedule (time, place, and frequency) as necessary, but shall not meet less often than once each month, unless the chairperson determines no meeting is necessary. All meetings will be open to the public. Accurate minutes will be kept of all meetings and shall be made available to the public.

(12) Quorum. Five (5) members of the board constitutes a quorum for the transaction of business. Seven (7) members constitutes a quorum for approval of bylaw or changes to the bylaws. Non-voting members of the board shall not be counted for purposes of determining whether a quorum is present. (Ord. #02-47, Nov. 2002, modified)

## CHAPTER 3

### ATHLETIC COMMITTEE

#### SECTION

2-301. Creation.

2-302. Membership.

2-303. Time and place of meetings.

**2-301. Creation.** An Athletic Committee is hereby created to assist the Parks and Recreation Department of the Town of Smyrna. (1991 Code, § 2-301)

**2-302. Membership.** (1) Criteria. Membership will consist of one designated liaison chosen by each non-profit athletic organization that has an existing reciprocal relationship with the parks and recreation department. The designated liaison is subject to approval by the director of parks and recreation and will be noted in the annual written user agreements developed by the Smyrna Parks and Recreation Department. The committee will be for purposes of advice and communication and will be chaired by a designee chosen by the director of parks and recreation.

(2) Term. The term of committee membership shall be for one year. A member may be allowed to remain on the committee if so designated in the yearly user agreement.

(3) Compensation. Committee members shall serve without compensation.

(4) Removal. Members of the committee may be removed by the town council for neglect of duty, conflict of interest, malfeasance in office, violation of the ethics ordinance, or other just cause, or for unexcused absence from more than three (3) consecutive meetings or more than five (5) non-consecutive meetings during the member's term of appointment. It is the duty of the Town of Smyrna staff representative to advise the town manager when removal is recommended or necessary based on the provisions herein. The decision of the town council will be final with no appeal. Committee members who are unable to attend regular meetings are expected to tender their resignation.

(5) Vacancies shall be filled in accordance with the terms of the user agreement related to the vacancy. (1991 Code, § 2-302, modified)

**2-303. Time and place of meetings.** The committee shall meet on the 2<sup>nd</sup> Monday of each month at 7:00 P.M. at the town center. Notice shall be given to committee members and posted on the town's website for any changes related to meeting time or place, not less than ten (10) days in advance of the change.

## CHAPTER 4

### PROJECT ASSISTANCE BOARD

#### SECTION

2-401. Creation.

2-402. Membership.

**2-401. Creation.** There is hereby created the project assistance program for the purpose of providing financial assistance to citizens in the areas of utility services. Funding for this financial assistance comes from private donations, no public funds are utilized to provide the financial assistance. (1991 Code, § 2-401, modified)

**2-402. Membership.** (1) Criteria. The selection of board members shall be made from individuals affiliated with the benevolent organizations in the Smyrna/LaVergne area. Such affiliation may be with a religious or non-religious organization.

(2) Composition. The board shall consist of seven members. One member shall be the director of utilities or his/her designee. One member shall be the community services coordinator of the police department or his/her designee. The remaining five members shall be appointed by the town council by a majority vote. All members shall serve without compensation.

(3) Terms. The director of utilities and the community services coordinator shall serve an indefinite term. The terms of the other five members shall be staggered to provide continuity and experience on the board. The terms of the project assistance board members shall be three years except that the terms of the initial board shall be staggered in the following manner. The initial members of the project assistance board shall serve the following terms:

| <u>Board</u>  | <u>Term</u> |
|---------------|-------------|
| Wanda Corbitt | 3 years     |
| Vickie Mathis | 3 years     |
| Earl Logan    | 2 years     |
| Debbie Willis | 2 years     |
| James Holland | 1 year      |

In order to provide continuity and consistency with the appointment of members of the Town of Smyrna Town Council, the calculation of the initial board member terms shall begin on April 1, 2001.



(4) Vacancies. Vacancies created by causes other than the expiration of a member's term shall be filled for the remainder of the term in the same manner as otherwise provided for in this chapter.

(5) Removal. Members of the board may be removed by the town council for neglect of duty, conflict of interest, malfeasance in office, violation of the ethics ordinance, or other just cause, or for unexcused absence from more than three (3) consecutive meetings or more than five (5) non-consecutive meetings during the member's term of appointment. It is the duty of the Town of Smyrna staff representative to advise the town manager when removal is recommended or necessary based on the provisions herein. The decision of the town council will be final with no appeal. Board members who are unable to attend regular meetings are expected to tender their resignation.

(6) Powers and duties. Generally the board shall provide oversight and guidance of the funds collected for the project assistance program.

(7) Bylaws and regulations. The board shall have the power to adopt and revise bylaws, rules and regulations for the purpose of conducting the business of the project assistance board and for the purpose of establishing criteria for the disbursement of funds.

(8) Board not empowered to obligate town or incur liability. Notwithstanding anything that may be herein contained or implied to the contrary, the board shall not be empowered without express authority of the town council, to obligate the town in any way or to expend or incur liability for any sum of money, except as may be provided for in the yearly budgets and appropriations adopted by the town council.

(9) Officers. The board will, during the first board meeting in April, annually select from its members a chairperson to serve for a one-year period, or until a successor is elected. The chairperson will preside at all meetings, preserve order and decorum, enforce the rules and regulations of the board, sign all letters and documents as authorized by the board, and will otherwise perform the duties devolving upon a presiding officer. The board will also select a vice-chairperson. The director of utilities will provide a secretary from staff who will assume charge of all records of the board and who will keep accurate and complete minutes of all meetings thereof.

(10) Meetings. The board will determine a regular meeting schedule as necessary, but shall not meet less than once each month, unless the chairperson and the director of utilities concur that no meeting is necessary. All meetings will be open to the public and will be conducted at town hall. Accurate minutes will be kept of all meetings and shall be made available to the public. (1991 Code, § 2-402, modified)

## CHAPTER 5

### SISTER CITY COMMITTEE

#### SECTION

2-501. Creation.

2-502. Membership.

**2-501. Creation.** There is hereby created the sister city committee for the purpose of coordinating the exchange of cultural experiences, educational experiences and students between Smyrna, Tennessee and Zama, Japan. (1991 Code, § 2-501)

**2-502. Membership.** (1) Criteria. The selection of committee members shall be made from individuals who have displayed a commitment to the community through their participation in other volunteer capacities.

(2) Composition. The committee shall consist of seven members. The members shall be nominated by the mayor and shall be confirmed by a majority vote of the town council. All members shall serve without compensation.

(3) Terms. The terms of the members shall be staggered to provide continuity and experience on the committee. The terms of the sister city committee members shall be three years except that the terms of the initial committee shall be staggered in the following manner. The initial members of the sister city committee shall serve the following terms:

| <u>Name</u>     | <u>Term</u> |
|-----------------|-------------|
| Tina Thomas     | 3 years     |
| Kathy Snider    | 3 years     |
| Lydia George    | 2 years     |
| Marc Michaelson | 2 years     |
| Jeanne Nolan    | 1 year      |
| Rick Wise       | 1 year      |
| Bill Davis      | 1 year      |

In order to provide continuity and consistency with the appointment of members of other Town of Smyrna committees and commissions, the calculation of the initial committee member terms shall begin on April 1, 2001.

(4) Vacancies. Vacancies created by causes other than the expiration of a member's term shall be filled for the remainder of the term in the same manner as otherwise provided for in this chapter.

(5) Removal. Members of the committee may be removed by the town council for neglect of duty, conflict of interest, malfeasance in office, violation of the ethics ordinance, or other just cause, or for unexcused absence from more than three (3) consecutive meetings or more than five (5) non-consecutive meetings during the member's term of appointment. It is the duty of the Town of Smyrna staff representative to advise the town manager when removal is recommended or necessary based on the provisions herein. The decision of the town council will be final with no appeal. Committee members who are unable to attend regular meetings are expected to tender their resignation.

(6) Powers and duties. Generally the committee shall provide oversight and guidance of the funds collected for the sister city committee, shall select participants for student exchanges, and shall coordinate other exchanges which may take place.

(7) Bylaws and regulations. The committee shall have the power to adopt and revise bylaws, rules, and regulations for the purpose of conducting the business of the sister city committee.

(8) Committee not empowered to obligate town or incur liability. Notwithstanding anything that may be herein contained or implied to the contrary, the committee shall not be empowered without the express authority of the town council, to obligate the town in any way or to expend or incur liability for any sum of money, except as may be provided for in the yearly budgets and appropriations adopted by the town council.

(9) Officers. The committee will, during the first committee meeting in April, annually select from its members a chairperson to serve for a one-year period, or until a successor is elected. The chairperson will preside at all meetings, preserve order and decorum, enforce the rules and regulations of the committee, sign all letters and documents as authorized by the committee, and will otherwise perform the duties devolving upon a presiding officer. The committee will also select a vice-chairperson. The town manager will provide a secretary from staff who will assume charge of all records of the committee and who will keep accurate and complete minutes of all meetings thereof.

(10) Meetings. The committee will determine a regular meeting schedule as necessary, but shall not meet less than once each month, unless the chairperson and three other members concur that no meeting is necessary. All meetings will be open to the public and will be conducted at town hall. Accurate minutes will be kept of all meetings and shall be made available to the public. (1991 Code, § 2-502, modified)

## CHAPTER 6

### HISTORIC ZONING COMMISSION

#### SECTION

- 2-601. Creation and membership.
- 2-602. Quorum, meetings, and by-laws.
- 2-603. Powers and duties.
- 2-604. Jurisdiction, appeal.
- 2-605. Record of proceedings to be kept.
- 2-606. Right of entry.
- 2-607. Liability of members.

**2-601. Creation and membership.** (1) Pursuant to the provisions of Tennessee Code Annotated, §13-7-401 et seq., there is hereby created the Historic Zoning Commission, hereinafter referred to as the commission. The commission shall consist of seven (7) members, including a representative from a local patriotic or historical organization; an architect, if available; a person who is a member of the Smyrna Municipal Planning Commission at the time of the appointment; and the remainder shall come from the community in general. Members shall be appointed by the mayor and confirmed by a majority vote of the town council.

In addition to the appointed members above, the Town Manager shall designate two (2), non-voting, standing members of the committee. At least one (1) of the standing members shall be a representative of the Planning Department. The Planning Department representative shall be designated to act as the secretary for the commission.

(2) The terms of membership shall be five (5) years, except that the initial individual appointments to the commission shall be staggered so that the terms of at least one (1) member but not more than two (2) members shall expire each year.

Those members on the commission as of the date of the adoption of the ordinance comprising this chapter shall continue to serve as follows:

- (a) Those commission members whose terms expire in September 2008 shall serve until March of 2009;
- (b) Those commission members whose terms expire in September 2009 shall serve until March of 2010;
- (c) Those commission members whose terms expire in September 2010 shall serve until March of 2011;
- (d) Those commission members whose terms expire in September 2011 shall serve until March 2012;
- (e) Those commission members whose terms expire in September 2012 shall serve until March 2013.

All appointments to the commission on or after the date of the ordinance comprising this chapter shall be made at the March town council meeting, unless as necessary to fill a vacancy. Other than the appointments listed hereinabove, each member shall hold his or her seat for a period of five (5) years from the date of appointment.

(3) Members of the committee may be removed by the town council for neglect of duty, conflict of interest, malfeasance in office, violation of the ethics ordinance, or other just cause, or for unexcused absence from more than three (3) consecutive meetings or more than five (5) non-consecutive meetings during the member's term of appointment. It is the duty of the Town of Smyrna staff representative to advise the town manager when removal is recommended or necessary based on the provisions herein. The decision of the town council will be final with no appeal. Committee members who are unable to attend regular meetings are expected to tender their resignation.

(4) Should a vacancy occur, the vacancy shall be filled by appointment by a majority vote of the town council at the next council meeting after which the vacancy occurs, which appointee shall fill the unexpired term of the vacant position.

(5) Members shall serve without compensation.

(6) Beginning in the first meeting after committee appointments are made in March of 2008, the commission shall vote to select a chairperson for the committee from its membership, which chairperson shall serve for a period of one year.

**2-602. Quorum, meetings, and by-laws.** A majority of the members of the committee shall constitute a quorum for the transaction of business. Meetings of the commission shall be held at the call of the chair and at other times as the commission may determine. The commission may hold general or special meetings in the town hall or at other locations and at such times as they may by order direct. The commission shall make, establish, and adopt such reasonable by-laws, rules, and regulations as may be necessary for their own government and for the full and complete execution of their powers and duties. The commission shall keep records of applications and actions, which shall be public records.

**2-603. Powers and duties.** (1) Applications for certificates of appropriateness for reconstruction, alteration, repair, moving or demolition conducted within the H-1 Historic Overlay District shall be referred to the commission, which shall:

(a) Request detailed construction plans and related data pertinent to review a proposal before the commission;

(b) Grant, within thirty (30) days following the availability of sufficient data, a certificate of appropriateness, with or without

conditions, or the denial of such certificate, provided that the grounds for such denial are stated in writing;

(c) Consider the following in making its decision:

(i) Historic and/or architectural value of the existing structure;

(ii) Relationship of exterior architectural features of the structure to the remaining structures, to the surrounding area, and to the character of the district;

(iii) General compatibility of exterior design, arrangement, texture, and materials proposed to be used; and

(iv) Any other factor, including aesthetic, which is reasonably related to the purposes for which the H-1 Historic Overlay District exists.

(2) It shall be the duty of the commission to make the following determinations with respect to the H-1 Historic Overlay District:

(a) Appropriateness of altering or demolishing a building or structure. The commission may require interior and exterior photographs, architectural measured drawings of the exterior, or other notations of architectural features to be used for historical documentation as a condition of permission to demolish a building or structure. The photographs, drawings, and so forth, shall be provided at the expense of the applicant.

(b) Appropriateness of the exterior architectural features, including signs and other exterior fixtures, of new buildings and structures to be constructed.

(c) Appropriateness of exterior design or extension of an existing building or structure.

(d) Appropriateness of front, side, or rear yards, off-street parking spaces, and/or location of entrance drives into property or sidewalks along the public right-of-way, which might affect the character of a building or structure.

(e) The general compatibility of exterior design, arrangement, texture and material of the building or structure in relation to similar features of buildings in the immediate surroundings. However, the commission shall not consider interior arrangement or design, nor shall it make any requirements except for the purpose of preventing extensions incongruous to the historic aspects of the surroundings.

(3) It shall be the duty of the commission to make recommendations for the establishment of H-1 Historic Overlay District zoning overlays in accordance with the procedures, criteria, and review process set forth in the Smyrna Municipal Zoning Ordinance §5.056.

**2-604. Jurisdiction, appeal.** The commission shall have jurisdiction relating to historic zoning matters. Anyone who may be aggrieved by the final

order or judgment of the commission may have the order or judgment reviewed by the courts by the procedures of statutory certiorari as provided for in Tennessee Code Annotated, § 27-9-101, et seq.

**2-605. Record of proceedings to be kept.** The secretary shall keep a permanent record of the proceedings of the commission in a book provided for that purpose. All minutes of the meetings of the commission shall be public records.

**2-606. Right of entry.** The commission, its members and Town of Smyrna employees, in the performance of its work, may enter upon any land within its jurisdiction and make examination and surveys, but there shall be no right of entry into any building without the consent of the owner.

**2-607. Liability of historic zoning commission members.** Any historic zoning commission member acting within the powers granted by the ordinance comprising this chapter is relieved from all personal liability for any damage and shall be held harmless by the town. Any suit brought against the commission or any member thereof shall be defended by a legal representative furnished by the town until the termination of the procedure.