ARTICLE 2. GENERAL PROVISIONS

Rule 1. Definitions

925 IAC 2-1-1 Definitions

Authority: IC 36-7-11.2-27
Affected: IC 36-7-11.2

Sec. 1. (a) The definitions in this rule apply throughout this article and are in addition to the definitions in IC 36-7-11.2.

(b) "Act" is defined as IC 36-7-11.2.

(c) "Case" means any matter subject to a determination by the commission for which an application or petition has been properly filed.

(d) "Certificate" means a certificate of appropriateness issued by the commission.

(e) "Commission" means the Meridian Street preservation commission as established by IC 36-7-11.2.

(f) "Rezoning" means amending the zoning map to change the zoning district classification. *(Meridian Street Preservation Commission; 925 IAC 2-1-1; filed Mar 4, 2002, 3:00 p.m.: 25 IR 2248; readopted filed Jun 17, 2008, 9:31 a.m.: 20080625-IR-925080296RFA; errata filed Oct 17, 2008, 11:21 a.m.: 20081029-IR-925080821ACA; readopted filed Oct 3, 2014, 3:26 p.m.: 20141029-IR-925140250RFA)*

Rule 2. Public Hearings; Meetings

925 IAC 2-2-1 Time and location of public hearings and meetings

Authority: IC 36-7-11.2-27
Affected: IC 36-7-11.2-31

Sec. 1. Regular meetings, designated as public hearings of the commission, shall be held at 4 p.m. on the third Tuesday of each month. If such regular meeting day falls on a legal holiday, the meeting shall be held on the following Tuesday. The commission shall determine the location of the following regular meeting at the immediately preceding regular meeting. *(Meridian Street Preservation Commission; 925 IAC 2-2-1; filed Mar 4, 2002, 3:00 p.m.: 25 IR 2248; readopted filed Jun 17, 2008, 9:31 a.m.: 20080625-IR-925080296RFA; readopted filed Oct 3, 2014, 3:26 p.m.: 20141029-IR-925140250RFA)*

925 IAC 2-2-2 Notice of special meetings

Authority: IC 36-7-11.2-27
Affected: IC 36-7-11.2-31

Sec. 2. Written notice of a special meeting is not required if the time of the special meeting is fixed at a previous regular meeting. However, notice shall be posted on the public notice bulletin board in the lobby of the Indianapolis Marion County City-County Building. *(Meridian Street Preservation Commission; 925 IAC 2-2-2; filed Mar 4, 2002, 3:00 p.m.: 25 IR 2248; readopted filed Jun 17, 2008, 9:31 a.m.: 20080625-IR-925080296RFA; readopted filed Oct 3, 2014, 3:26 p.m.: 20141029-IR-925140250RFA)*

925 IAC 2-2-3 Meetings and hearings open to public

Authority: IC 36-7-11.2-27
Affected: IC 5-14-1.5; IC 36-7-11.2-31

Sec. 3. All regular or special meetings and hearings of the commission shall be open to the public. *(Meridian Street Preservation Commission; 925 IAC 2-2-3; filed Mar 4, 2002, 3:00 p.m.: 25 IR 2248; readopted filed Jun 17, 2008, 9:31 a.m.: 20080625-IR-925080296RFA; readopted filed Oct 3, 2014, 3:26 p.m.: 20141029-IR-925140250RFA)*

925 IAC 2-2-4 Vote by ballot; public access

Authority: IC 36-7-11.2-27
Affected: IC 5-14-3; IC 36-7-11.2

Sec. 4. (a) In all cases for certificates of appropriateness, variances, zoning ordinances, and zoning amendments, the commission's vote shall be by written ballot.

(b) The result of the vote shall be announced immediately after it is tallied and, in the case of a split decision, the names of commission members voting against an application or petition shall be announced. A commissioner may be asked for the basis of his or her vote.

(c) All ballots shall remain on file in the office of the commission and are public records. *(Meridian Street Preservation Commission; 925 IAC 2-2-4; filed Mar 4, 2002, 3:00 p.m.: 25 IR 2248; readopted filed Jun 17, 2008, 9:31 a.m.: 20080625-IR-925080296RFA; readopted filed Oct 3, 2014, 3:26 p.m.: 20141029-IR-925140250RFA)*

925 IAC 2-2-5 Appearance; testimony of agent or attorney; written submissions

Authority: IC 36-7-11.2-27
Affected: IC 36-7-11.2-28; IC 36-7-11.2-34

Sec. 5. (a) At hearings before the commission, any party may appear in person, by representative, or by attorney.

(b) An attorney or other representative of any party, petitioner, or remonstrator may testify to facts within that person's own knowledge relating to the issues of the case. In such cases, all parties appearing before the commission shall be sworn and be subject to questions from the commission.

(c) Plans, photographs, letters, petitions, or other nonverbal information in support of or opposition to an application or petition may be submitted to the commission prior to the hearing by submitting such information to the chairman of the commission, who shall make all such information part of the public record. *(Meridian Street Preservation Commission; 925 IAC 2-2-5; filed Mar 4, 2002, 3:00 p.m.: 25 IR 2249; readopted filed Jun 17, 2008, 9:31 a.m.: 20080625-IR-925080296RFA; readopted filed Oct 3, 2014, 3:26 p.m.: 20141029-IR-925140250RFA)*

925 IAC 2-2-6 Notice of continuances

Authority: IC 36-7-11.2-27
Affected: IC 36-7-11.2

Sec. 6. No notice of continuance must be given to interested parties if a case is continued at a hearing for which proper notice was given. *(Meridian Street Preservation Commission; 925 IAC 2-2-6; filed Mar 4, 2002, 3:00 p.m.: 25 IR 2249; readopted filed Jun 17, 2008, 9:31 a.m.: 20080625-IR-925080296RFA; readopted filed Oct 3, 2014, 3:26 p.m.: 20141029-IR-925140250RFA)*

925 IAC 2-2-7 Evidence; time allowed; order of presentation

Authority: IC 36-7-11.2-27
Affected: IC 36-7-11.2-34

Sec. 7. (a) Petitioners and remonstrators, respectively, shall each be permitted a total of fifteen (15) minutes, as described in subsections (b) through (d), for the presentation of evidence, statements, and argument at the public hearing of every case by the commission.

(b) Petitioners and persons appearing in support of a case shall first have a cumulative of ten (10) minutes for the presentation of evidence, statements, and argument in support of the matter being considered.

(c) Remonstrators and persons appearing in opposition to a case shall then have fifteen (15) minutes for the presentation of evidence, statements, and argument in opposition to the matter being considered.

(d) The petitioner shall then be permitted five (5) minutes for rebuttal and a closing statement. Rebuttal shall include only evidence, statements, or argument to rebut the opposing party's presentation.

(e) The commission members may ask questions of all parties and witnesses at any time during the presentation of evidence and after the close of evidence presented under subsections (b) through (d). The time taken to respond to questions from commission members shall not be counted against the time allocated to either side under subsections (b) through (d).

(f) The chair or a majority of the commission shall have authority to extend the times specified in subsections (a) through

(d). *(Meridian Street Preservation Commission; 925 IAC 2-2-7; filed Mar 4, 2002, 3:00 p.m.: 25 IR 2249; readopted filed Jun 17, 2008, 9:31 a.m.: 20080625-IR-925080296RFA; errata filed Oct 17, 2008, 11:21 a.m.: 20081029-IR-925080821ACA; readopted filed Oct 3, 2014, 3:26 p.m.: 20141029-IR-925140250RFA)*

925 IAC 2-2-8 Application fees

Authority: IC 36-7-11.2-27
Affected: IC 36-7-11.2-49

Sec. 8. (a) Fees to be paid by persons filing a petition with the commission for a certificate of appropriateness are set for the following classifications:

(1) Certificate of appropriateness for construction of a new building, one hundred dollars ($100).

(2) Certificate of appropriateness for demolition or removal of a building or a portion of a building, one hundred dollars ($100).

(3) Certificate of appropriateness for renovation or alteration or addition to an existing building, one hundred dollars ($100).

(4) Certificate of appropriateness for new swimming pools, driveways, walkways, patios, fences, removal of trees, or other site improvements that do not include buildings, fifty dollars ($50).

(b) Persons filing a petition with the commission for prior approval of a variance shall pay a fee of one hundred dollars ($100).

(c) Persons filing a petition with the commission for a recommendation to the city of Indianapolis metropolitan development commission regarding the amendment or adoption of a zoning ordinance shall pay a fee of one hundred dollars ($100).

(d) Fees are cumulative and shall be paid for each classification of request contained in a single petition. For example, the filing fees for a petition requesting:

(1) a variance of development standards;

(2) a certificate of appropriateness for removal of a building;

(3) a certificate of appropriateness for alteration to an existing building; and

(4) a certificate of appropriateness for a patio;

will be three hundred fifty dollars ($350).

(e) Fees shall be due at the time of filing a case, and the commission shall consider a case only if the fee has been paid in full. Prior to filing a case, the commission may consider a request to reduce the fees, and a majority of the commissioners present and voting at the meeting may vote to reduce the fee for good cause shown. In no event shall the fee be reduced to less than fifty dollars ($50).

(f) In addition to the filing fees set forth above, petitioner shall at the time of filing pay the estimated cost of newspaper advertising, which advertisement shall be placed by the commission.

(g) If the commission has not otherwise set a fee under this rule for a type of application or petition, the fee shall be fifty dollars ($50). *(Meridian Street Preservation Commission; 925 IAC 2-2-8; filed Mar 4, 2002, 3:00 p.m.: 25 IR 2249; readopted filed Jun 17, 2008, 9:31 a.m.: 20080625-IR-925080296RFA; readopted filed Oct 3, 2014, 3:26 p.m.: 20141029-IR-925140250RFA)*

925 IAC 2-2-9 Conduct of parties

Authority: IC 36-7-11.2-27
Affected: IC 36-7-11.2-26

Sec. 9. Every person appearing before the commission shall abide by the order and direction of the commission's chair or presiding officer. *(Meridian Street Preservation Commission; 925 IAC 2-2-9; filed Mar 4, 2002, 3:00 p.m.: 25 IR 2250; readopted filed Jun 17, 2008, 9:31 a.m.: 20080625-IR-925080296RFA; readopted filed Oct 3, 2014, 3:26 p.m.: 20141029-IR-925140250RFA)*

925 IAC 2-2-10 Testimony under oath or affirmation

Authority: IC 36-7-11.2-27
Affected: IC 33-42-4-1; IC 36-7-11.2-36

Sec. 10. All testimony before the commission shall be given under oath or affirmation, administered by a person authorized by the chair or presiding officer and who has the authority to administer the oath or affirmation pursuant to IC 33-16-4-1 *[IC 33-16 was repealed by P.L.98-2004, SECTION 164, effective July 1, 2004. See IC 33-42-4-1.]. (Meridian Street Preservation Commission; 925 IAC 2-2-10; filed Mar 4, 2002, 3:00 p.m.: 25 IR 2250; readopted filed Jun 17, 2008, 9:31 a.m.: 20080625-IR-925080296RFA; readopted filed Oct 3, 2014, 3:26 p.m.: 20141029-IR-925140250RFA)*

Rule 3. Zoning Matters

925 IAC 2-3-1 Petition for a zoning variance, zoning ordinance adoption, or amendment

Authority: IC 36-7-11.2-27
Affected: IC 36-7-11.2

Sec. 1. The petitioner for any zoning variance, zoning ordinance adoption, or amendment shall file with the chair an original and nine (9) complete copies of the petition with all exhibits. *(Meridian Street Preservation Commission; 925 IAC 2-3-1; filed Mar 4, 2002, 3:00 p.m.: 25 IR 2250; readopted filed Jun 17, 2008, 9:31 a.m.: 20080625-IR-925080296RFA; readopted filed Oct 3, 2014, 3:26 p.m.: 20141029-IR-925140250RFA)*

Rule 4. Certificate of Appropriateness

925 IAC 2-4-1 Certificate of appropriateness required; exceptions

Authority: IC 36-7-11.2-27
Affected: IC 36-7-11.2-61

Sec. 1. A certificate of appropriateness from the commission is required prior to the construction, reconstruction, alteration, or demolition of any structure or feature on any Meridian Street property, except that no certificate shall be required for the following:

(1) Normal repair and maintenance work consonant with proper upkeep of the property and which does not alter original materials, patterns, dimensions, location, style, size, and type.
(2) Interior decoration, interior remodeling, and interior renovation not involving a change in the use of the property.
(3) Removal of chain-link fences.
(4) Installation or removal (except for healthy trees) of plant materials, provided they were not required in a previously issued certificate of appropriateness.
(5) Installation of low borders on planting beds.
(6) Installation of ground lighting in back yards.
(7) Facade illumination that illuminates only the subject property.
(8) Security lights mounted on buildings or installed by Indianapolis Power and Light on existing utility poles at the rear of properties that are deflected light sources and not visible from the street.
(9) Incandescent wall or ceiling mounted light fixtures at the rear entrances of a building.
(10) Fixtures in the public right-of-way placed there by governmental agencies, such as mail collection boxes and traffic regulation devices.
(11) Temporary accessory items in rear yards, including garden furniture, children's play equipment, and small doghouses.
(12) Reroofing of any roof surface, provided that any new materials match those of the previous in composition, size, shape, color, and texture.
(13) Alteration of any flat roof when no change is visible from the ground.
(14) Repointing of mortar joints with mortar matching in composition, color, and texture to the original.
(15) Replacement of deteriorated wood siding or trim if less than five percent (5%) of any facade and if replacement wood matches the original exactly.
(16) Removal of siding made of aluminum, vinyl, particle board, asphalt, asbestos, plywood, hardboard, or synthetic masonry.

(17) Installation of interior storm windows and interior stained glass.
(18) Replacement of missing or broken glass with new glass to match the previous.
(19) Installation of visually unobtrusive exterior storm windows and doors provided no alterations are made to the opening and they are not attached to, or cover, any exterior trim.
(20) Repainting with appropriate colors for the historic architectural styles represented in the area.
(21) Window air conditioning units requiring no alteration to the window or opening and on a nonprimary facade.
(22) Air conditioning equipment and meter boxes on the rear of a house and not visible from the street.
(23) HVAC and utility equipment on roofs if not visible from the front of the property at street level.
(24) Burial of electric, telephone, and television cable requiring no new utility poles.
(25) Aboveground installation of utility cables at the rear of the structure when underground service is not available.
(26) Exterior surface-mounted vents, such as those for dryers, heaters, bathrooms, and kitchens, if no larger than one (1) square foot and not visible from the street.
(27) Replacement of any utility pole with one (1) of matching materials and of equal or lesser height and for the same use.
(Meridian Street Preservation Commission; 925 IAC 2-4-1; filed Mar 4, 2002, 3:00 p.m.: 25 IR 2250; readopted filed Jun 17, 2008, 9:31 a.m.: 20080625-IR-925080296RFA; readopted filed Oct 3, 2014, 3:26 p.m.: 20141029-IR-925140250RFA)

925 IAC 2-4-2 Application for certificates of appropriateness

Authority: IC 36-7-11.2-27
Affected: IC 36-7-11.2-34

Sec. 2. (a) The applicant for a certificate shall file with the chair one (1) original and nine (9) complete copies the application with all exhibits.
(b) An application for a certificate shall:
(1) State the name and address of the petitioner, who may or may not be the owner of the subject property.
(2) State the name of the owner or owners and street address of the property that is the subject of the application.
(3) Describe, in detail, the following:
(A) The work to be done.
(B) The change resulting from such work, if any, in architectural features of the structure upon which such work is to be done.
(C) The nature and type of materials to be employed, specifying which such materials will be external and visible upon completion of the work.
(D) The name of the person who prepared plans.
(c) The application shall be accompanied by the following:
(1) A current photograph of the property taken from Meridian Street, if the work will be visible from Meridian Street.
(2) A photograph depicting the location of the work to be done and clearly showing all features to be altered or affected.
(3) A site plan indicating the accurate distance between the proposed construction and all property lines if new construction is proposed.
(4) If appropriate to the type of work being proposed, accurate drawings, with dimensions, showing the property or structure before and after the work for which the certificate is sought.
(5) Samples, pamphlets, or other information explaining the materials to be used.
(Meridian Street Preservation Commission; 925 IAC 2-4-2; filed Mar 4, 2002, 3:00 p.m.: 25 IR 2251; readopted filed Jun 17, 2008, 9:31 a.m.: 20080625-IR-925080296RFA; readopted filed Oct 3, 2014, 3:26 p.m.: 20141029-IR-925140250RFA)

925 IAC 2-4-3 Notice of application for certificate of appropriateness

Authority: IC 36-7-11.2-27
Affected: IC 36-7-11.2-7

Sec. 3. (a) Any person who files an application for a certificate shall, within ten (10) days after such filing, serve notice upon all interested parties defined in IC 36-7-11.2-7.

(b) Notice shall be personally served or mailed, first class postage prepaid, and include the following:
(1) The full name and address of the person filing the application.
(2) The street address of the property that is the subject of the application.
(3) A description of the type of work proposed to be performed.
(4) The date, time, and place of the meeting at which the application will be considered by the commission.
(Meridian Street Preservation Commission; 925 IAC 2-4-3; filed Mar 4, 2002, 3:00 p.m.: 25 IR 2251; readopted filed Jun 17, 2008, 9:31 a.m.: 20080625-IR-925080296RFA; readopted filed Oct 3, 2014, 3:26 p.m.: 20141029-IR-925140250RFA)

925 IAC 2-4-4 Hearing on application; expedited consideration
Authority: IC 36-7-11.2-27
Affected: IC 36-7-11.2-61

Sec. 4. (a) No certificate shall be approved or denied without a hearing.
(b) The commission may consider, but not conclusively rule on, an application for a certificate at a regular or special meeting for which proper notice of the application has not been given, provided reasonable notice to interested parties can be demonstrated and a majority of those present and voting at the meeting agree to consider the matter. *(Meridian Street Preservation Commission; 925 IAC 2-4-4; filed Mar 4, 2002, 3:00 p.m.: 25 IR 2251; readopted filed Jun 17, 2008, 9:31 a.m.: 20080625-IR-925080296RFA; readopted filed Oct 3, 2014, 3:26 p.m.: 20141029-IR-925140250RFA)*

Rule 5. Dismissal; Withdrawal; Redocketing of Cases

925 IAC 2-5-1 Dismissal of cases
Authority: IC 36-7-11.2-27
Affected: IC 36-7-11.2-46

Sec. 1. (a) A majority vote of the commission members present and voting at the meeting may dismiss a case for want of prosecution or for lack of jurisdiction.
(b) Dismissal of a case does not prevent a person from reapplying at any time in the future.
(c) No fees paid to the commission for an application or petition shall be refunded after dismissal, except by a majority vote of the members present and voting at a regular meeting. *(Meridian Street Preservation Commission; 925 IAC 2-5-1; filed Mar 4, 2002, 3:00 p.m.: 25 IR 2251; readopted filed Jun 17, 2008, 9:31 a.m.: 20080625-IR-925080296RFA; readopted filed Oct 3, 2014, 3:26 p.m.: 20141029-IR-925140250RFA)*

925 IAC 2-5-2 Withdrawal of cases; redocketing
Authority: IC 36-7-11.2-27
Affected: IC 36-7-11.2-28

Sec. 2. (a) Any person who has filed a case may withdraw such case from commission consideration at any time before or during a hearing, but not after the chair has called for a vote.
(b) Withdrawn cases may be docketed as a new case at any time, provided all filing and notice requirements are met.
(c) No fees paid to the commission for a case subsequently withdrawn shall be refunded except by a majority vote of the members present and voting at a regular meeting. *(Meridian Street Preservation Commission; 925 IAC 2-5-2; filed Mar 4, 2002, 3:00 p.m.: 25 IR 2252; readopted filed Jun 17, 2008, 9:31 a.m.: 20080625-IR-925080296RFA; readopted filed Oct 3, 2014, 3:26 p.m.: 20141029-IR-925140250RFA)*

925 IAC 2-5-3 Adverse decisions; redocketing
Authority: IC 36-7-11.2-27
Affected: IC 36-7-11.2-28

Sec. 3. (a) No case that has been decided adversely against an applicant or petitioner shall again be placed on the docket for consideration within a period of six (6) months from the date of the adverse decision.

(b) Upon motion to permit redocketing adopted by six (6) affirmative votes, the commission may decide to consider such a case in less than six (6) months.

(c) In determining whether or not to consider a case that was previously decided adversely against an applicant or petitioner, the commission shall take into account evidence that the request is substantially different from the denied petition or application, especially with respect to those aspects of the request that caused the commission to deny it. *(Meridian Street Preservation Commission; 925 IAC 2-5-3; filed Mar 4, 2002, 3:00 p.m.: 25 IR 2252; readopted filed Jun 17, 2008, 9:31 a.m.: 20080625-IR-925080296RFA; readopted filed Oct 3, 2014, 3:26 p.m.: 20141029-IR-925140250RFA)*

Rule 6. General Conduct of Business

925 IAC 2-6-1 Officers of commission; selection; presiding officer

Authority: IC 36-7-11.2-27
Affected: IC 36-7-11.2-26

Sec. 1. (a) The commission may elect by majority vote of those present and voting a vice chair from among its members at any regular or special meeting.

(b) The vice chair shall preside at meetings in the event that the chair is absent, is disabled, or has chosen to abstain from hearing and voting on a case or has otherwise disqualified himself or herself from hearing and voting on a case.

(c) The commission may elect by majority vote of those present and voting a secretary/treasurer from among its members at any regular or special meeting.

(d) The chair shall preside at all meetings at which he or she is present unless he or she has chosen to disqualify himself or herself or has abstained from hearing and voting on a matter.

(e) In the event that neither the chair nor the vice chair is available to preside at a meeting, the chair, or the vice chair in the absence of the chair, shall assign the duty of presiding officer to another member of the commission. *(Meridian Street Preservation Commission; 925 IAC 2-6-1; filed Mar 4, 2002, 3:00 p.m.: 25 IR 2252; readopted filed Jun 17, 2008, 9:31 a.m.: 20080625-IR-925080296RFA; readopted filed Oct 3, 2014, 3:26 p.m.: 20141029-IR-925140250RFA)*

925 IAC 2-6-2 Points of order and procedure; chair's authority

Authority: IC 36-7-11.2-27
Affected: IC 4-21.5; IC 36-7-11.2-26

Sec. 2. The chair, subject to IC 36-7-11.2 and IC 4-21.5, shall decide all points of order or procedure unless otherwise directed by a majority of the commission present and voting at the meeting. *(Meridian Street Preservation Commission; 925 IAC 2-6-2; filed Mar 4, 2002, 3:00 p.m.: 25 IR 2252; readopted filed Jun 17, 2008, 9:31 a.m.: 20080625-IR-925080296RFA; readopted filed Oct 3, 2014, 3:26 p.m.: 20141029-IR-925140250RFA)*

925 IAC 2-6-3 Prohibited contact regarding pending cases

Authority: IC 36-7-11.2-27
Affected: IC 36-7-11.2

Sec. 3. (a) No information pertaining to a pending case shall be discussed by, with, or in the presence of any commission member, and no person shall contact any commission member, orally or in writing, in advance of a public hearing on a case in an effort to influence such member's votes, except as follows:

(1) Plans, photographs, letters, petitions, or other nonverbal information in support or opposition of an application or petition may be submitted to the commission prior to the hearing by submitting such information to the chair of the commission, who shall make all such information part of the public record.

(2) The chair, or his or her designee, may provide to commission members in advance of a public hearing copies of

applications, plans, photographs, letters, petitions, planning facts, and other nonverbal documentation submitted in support or opposition of an application or petition, provided the information is part of the public record.

(3) Prior to the hearing, verbal communication between the chair and applicants or petitioners shall be limited to procedural issues related to filing, documentation, notification, and hearing procedures.

(b) The applicant, petitioner, interested parties, or any attorney of record shall be informed of all letters, petitions, or other nonverbal communication received by the chair or by any other member of the commission at the public hearing and shall be provided a copy in accordance with Indiana's access to public records laws. *(Meridian Street Preservation Commission; 925 IAC 2-6-3; filed Mar 4, 2002, 3:00 p.m.: 25 IR 2252; readopted filed Jun 17, 2008, 9:31 a.m.: 20080625-IR-925080296RFA; readopted filed Oct 3, 2014, 3:26 p.m.: 20141029-IR-925140250RFA)*

925 IAC 2-6-4 Commissioner investigation

Authority: IC 36-7-11.2-27
Affected: IC 36-7-11.2-37

Sec. 4. (a) Before voting on a case, the petitioner or applicant, an interested party, or a commission member may request the case to be continued so that an investigative committee of commission members may have the opportunity to investigate the site and the facts of the case.

(b) If a majority of the commissioners present and voting at the meeting concur with the request, the commission may chose two (2) or three (3) commission members to serve on a committee to proceed with an investigation and report its findings to the commission at the hearing to which the case has been continued.

(c) There shall not be less than two (2) or more than three (3) members chosen for an investigative committee, and all members of the committee must be present during any visit to the site or fact investigation.

(d) While undertaking its investigation of the facts, the committee may:

(1) visit the site;

(2) talk to the petitioner or applicant and persons involved in developing the petitioner's plans in order to obtain a clear understanding of the submitted proposal and any alternative the petitioner wishes to propose; and

(3) talk with professionals about the facts of the case.

(e) While investigating, the committee shall not:

(1) make any determination;

(2) make any comments on the facts of the case or express any opinion on the investigation or recommendations that may be made to the commission; or

(3) commit any or all commission members to any opinion or action.

(f) Nothing contained in this rule shall be construed to prohibit an individual commissioner from doing a drive-by or walk-by site inspection provided that there is no communication with any interested party or petitioner. *(Meridian Street Preservation Commission; 925 IAC 2-6-4; filed Mar 4, 2002, 3:00 p.m.: 25 IR 2253; readopted filed Jun 17, 2008, 9:31 a.m.: 20080625-IR-925080296RFA; readopted filed Oct 3, 2014, 3:26 p.m.: 20141029-IR-925140250RFA)*

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