

**REQUEST FOR BOARD ACTION**

**HENDERSON COUNTY  
BOARD OF COMMISSIONERS**

**MEETING DATE:** August 6, 2018  
**SUBJECT:** Facility Use Policy  
**PRESENTER:** Board of Commissioners  
**ATTACHMENTS:** Yes  
1. Draft Facility Use Policy

**SUMMARY OF REQUEST:**

The Board is requested to review the Facility Use Policy, and direct staff accordingly on any revisions to the policy they may wish to adopt.

**BOARD ACTION REQUESTED:**

The Board is requested to discuss, and direct staff accordingly.

**Suggested Motion(s):**

*No motion suggested.*



# **HENDERSON COUNTY**

## **FACILITY USE POLICY**

Tab 35 – Administrative Manual  
Facility Use Policy  
Adopted by the BOC: December 3, 2007  
Revised: October 15, 2008  
August 15, 2011  
May 4, 2015  
Requested revision - August 6, 2018

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## **PURPOSE**

The designated meeting rooms and grounds which are listed below may be reserved for non-county government, public activities, provided certain conditions are met. However, for security and operational reasons, the remaining County facilities will not generally be made available for public use. County government functions shall in all cases take precedence over all other activities at any county facility.

## **LIST OF DESIGNATED FACILITIES**

The designated County facilities available to the public for non-county government use are as follows. More specific instructions for each building may be found at the end of this policy.

1. Historic Courthouse ~~and Grounds~~ Building, all its grassed areas, and parking lot (1 Historic Courthouse Square)
2. King Street Office Building (100 N. King Street)
3. Designated of the Courthouse Building (200 N. Grove Street), subject to the provisions of N.C. Gen. Stat. §14-225.1.
4. N.C. Cooperative Extension Building (800 Glover Street)

## **RULES GOVERNING TRADITIONAL PUBLIC FORUMS**

The following rules govern Traditional Public Forums on property which is owned by Henderson County.

1. The following places are designated as traditional public forum areas:
  - a) The sidewalks and square area (but not grassed areas) on the side of the Historic Courthouse facing Main Street.
  - b) The walkways and other pedestrian access areas on the exterior of the Courthouse Building (200 N. Grove Street), subject to the provisions of N.C. Gen. Stat. §14-225.1.
2. A permit is required for gatherings for Traditional Public Forums, in order to reserve these areas.
3. The County Manager, or the Manager's designee, may adopt rules for the granting of such permits, subject to the following:
  - a) Permits must be obtained at least three (3) business days, but not more than six (6) months prior to the proposed use.
  - b) Permits will be granted in order of application.
  - c) Applicants must present photographic identification compliant with United States Public Law 109-13, and valid mail, e-mail, and telephone contact at the time of application.
4. The applicant is responsible for any and all damages to any facility or grounds, including costs for cleanup. The applicant shall assume full liability for all accidents or claims or accidents as a result of activities taking place associated with the use and shall agree to hold the County harmless and indemnify the County for any injury or damage to persons or to property. This shall include the times the area is being readied for the use and for all follow-up activity related to the use. Any damage or accident must immediately be reported to the facility coordinator, or as soon thereafter that the office is open for business.

**RULES GOVERNING THE USE OF ALL FACILITIES AND GROUNDS WHICH ARE NOT TRADITIONAL PUBLIC FORUMS**

1. The applicant requesting the use of a county facility or grounds must ~~be a resident of Henderson County, and at least 18 years of age~~ complete the necessary application, and present a photo ID, accepting liability as outlined below in #2.
2. The applicant is responsible for any and all damages to any facility or grounds, including costs for cleanup. The applicant shall assume full liability for all accidents or claims or accidents as a result of activities taking place associated with the use and shall agree to hold the County harmless and indemnify the County for any injury or damage to persons or to property. This shall include the times the area is being readied for the use and for all follow-up activity related to the use. Any damage or accident must immediately be reported to the facility coordinator, or as soon thereafter that the office is open for business.
3. ~~Only nonprofit, educational, civic and cultural groups will be considered.~~ Facilities are not available to exclusive groups; meetings must be open to the public.
4. The County facilities may not be reserved by commercial ~~or partisan political~~ groups. ~~The only exception is for political meetings in accordance with NCGS §163-99 which allows political meetings for the purpose of biennial precinct meetings, county conventions and district conventions.~~
5. Solicitation is not permitted within County facilities or on County grounds.
6. The County will not accept reservations for meetings which would designate any county meeting room as the regular meeting place for any organization.
7. Fees and deposits for the Designated Facilities are approved by the Board of Commissioners.
8. A Statement of Disclaimer must be signed by all facility users unless the Disclaimer is incorporated into the Designated Facilities Specific Application Process.
9. Depending on the type of event, proof of insurance may be required. If required, a copy of the insurance policy must be submitted with the application. The policy is to be one of comprehensive general liability in the amount of not less than \$300,000 for bodily injury per person and \$1,000,000 per occurrence and not less than \$100,000 for property damage per occurrence.
10. The County will not provide personnel except for security purposes in the County Courthouse.
11. Loud and disruptive behavior is prohibited. [Artificial noisemakers or sound amplification equipment is not permitted.](#)
12. No eating or drinking is permitted inside facilities unless advance provisions have been approved with the application and comply with all laws and regulations of the State Department of Human Resources, Division of Health Services.
13. Animals of any kind are not allowed in any facility, except for service animals in the performance of their duties or with approval in advance.

14. Open, pit, or any other types of fires are prohibited except in designated areas.
15. No ~~tobacco~~, alcoholic beverages, ~~illegal drugs or contraband~~ will be permitted.
16. ~~No function will be allowed where any member of an organization possesses a gun, rifle, firearm or other weapon. An exception may be made for a memorial service or special event associated with the recognition of any branch of the military or historical conflict so long as any weapon used is only discharging blanks and the organization has received the appropriate permits and/or permission from any relevant municipality and/or police chief.~~
17. If used, portable toilets must comply with all laws and regulations of the State Department of Human Resources, Division of Health Services.
18. The applicant is responsible for providing proof of proper disposal of trash and debris in advance.
19. The applicant is responsible for returning any furniture and fixtures to the original configuration immediately after use.
20. Signs, decorations, or other attachments may not be hung on any building or permanent structures in a manner that may potentially damage the property.
21. Ingress and egress to the grounds may not restrict the orderly flow of traffic on adjacent roads and arteries, and traffic must comply with all local, state and federal laws. [Participants must maintain a buffer of ten \(10\) feet away from an occupied building.](#)
22. Parking will only be permitted in designated areas.
23. This policy does not ~~grant permission to use~~ [apply to](#) sidewalks or streets that are under the jurisdiction of the local municipality or State of North Carolina.
24. The applicant is responsible for registering the function with the applicable local law enforcement authority as well as determining the need for any crowd control and security enforcement that may be necessary.
25. All uses must be in compliance with local, state and federal laws, including the Americans with Disabilities Act.
26. The applicant must comply with any further or additional restrictions the county chooses to place on the use of the grounds or facility.
27. The County Manager, or department director in charge of a facility, may revoke the authorization to use a facility up to or during the use if a violation of this ordinance is discovered.
28. The County manager or designee is authorized to approve applications, and the county manager has the right to waive any subsection of this section when doing so would more effectively serve the public's interest, except where prohibited by law.

**SPECIFIC INSTRUCTIONS GOVERNING DESIGNATED FACILITIES AND GROUNDS**

**1. Historic Courthouse and Grounds**

- a) Point of Contact: ~~Clerk to the Board~~ Public Information Officer
- b) The rooms available are the Commissioners' Meeting Room and the Community Room
- c) The grounds available are limited to the front courtyard. A buffer area of ten (10) feet must be maintained from the main entrance.
- d) Signs, decorations, or other attachments may not be displayed on the building. Signs may be displayed on the grounds, but are limited to the duration of the event. The only exception to this is banners provided by a county agency, in support of county government functions.
- e) The use of the Commissioner's Meeting Room must be approved by the Board of Commissioners during a regularly scheduled meeting, except as otherwise stated in this paragraph. All requests must be received by the Clerk to the Board at least two weeks in advance of the Board of Commissioners' meeting at which approval of the use is sought. However, departments of the Henderson County Government (including not-for-profit corporations the Board of Directors of which are wholly appointed by the Board of Commissioners) may use this room with the advance written permission of the County Manager and the Clerk to the Board. This permission shall be given so long as the requested use does not conflict with the Board's use of the room. Any permission granted under this paragraph shall note that such permission is revocable by the Board should the need arise for the Board's use of the room during the time for which permission is given.
- f) The museum portion of the Historic Courthouse is not available for public use.
- g) Restrooms in the Annex are available to the annual Apple Festival.

**2. King Street Office Building**

- a) Point of Contact: Planning Department
- b) The room available is the large meeting room, #140

**3. Courthouse**

- a) Point of Contact: Clerk of Court

**4. N.C. Cooperative Extension Building**

- a) Point of Contact: Henderson County Center, NC Cooperative Extension Service

**Attachment:** Statement of Disclaimer



### Henderson County

1 Historic Courthouse Square, Suite 2 ▪ Hendersonville, NC 28792 Phone  
(828) 697-4809 ▪ Fax (828) 698-6014 ▪ [www.hendersoncountync.gov](http://www.hendersoncountync.gov)

#### Application for Use of Historic Courthouse ~~Lawns and~~ Courtyard<sup>1</sup>

Henderson County Historic Courthouse

1 Historic Courthouse Square Hendersonville, NC 28792

Name of Applicant Making Request <sup>2</sup>		Date of Application
Mailing Address of Applicant	Phone Number of Applicant	E-mail Address of Applicant
Purpose for Use of Facilities		
Date of Event	Beginning Time	End Time

Applicant Signature

- By signing above, applicant acknowledges that they are responsible for any and all damages to facilities and grounds, as outlined in "Rules Governing Traditional Public Forums" found on Page 3 of the Facility Use Policy.

**The remainder of the application to be completed out by the Office of the County Manager**

PERMISSION GRANTED TO USE HISTORIC COURTHOUSE COURTYARD, LAWNS

Public Information Officer \_\_\_\_\_ Date Request Approved \_\_\_\_\_

PERMISSION DENIED TO USE HISTORIC COURTHOUSE COURTYARD, LAWNS

Public Information Officer \_\_\_\_\_ Date Request Denied \_\_\_\_\_

**Reason Denied:**

\_\_\_\_\_

\_\_\_\_\_

<sup>1</sup> This permission is limited to use of the Historic Courthouse ~~grounds and~~ courtyard. The front porch, ~~and~~ steps ~~and~~ grassed areas may not be utilized. Stages may not be setup without permission from the County Manager's Office. No vehicles are permitted on the courtyard. No sound amplification systems are permitted. Staging of events must not block entrance and exit from the courthouse during business hours Monday through Friday 8:30 a.m. to 5:00 p.m. and the weekend hours of operation for the Heritage Museum, Saturday 10:00 a.m. to 5:00 p.m. and Sunday 1:00 p.m. to 5:00 p.m. Permission must be gained from the City of Hendersonville Police Department to use the city sidewalks, parking and streets surrounding the Historic Courthouse.

<sup>2</sup> The individual(s) signing this application are responsible for assuring that all litter that accumulates on the Historic Courthouse site as a result of this event will be removed.



**STATEMENT OF DISCLAIMER**

Public Use Policy  
County of Henderson

In renting, leasing, or making available the County of Henderson’s facilities and grounds, neither the Henderson County Board of Commissioners, nor the Henderson County employees, assume any responsibility for the loss of or damage to any property placed on the premises by the user, or for loss or damage of any property or personal effects, including but not limited to, vehicles and their contents, or for any injury to the user, its members, employees, agents, guests, or participants, all of whom hereby agree to hold the County of Henderson, the Henderson County Board of Commissioners, the County Manager and County employees harmless for any loss or damage sustained while using Henderson County facilities and grounds.

The County of Henderson is committed to providing opportunities in access and employment in all programs, services, activities, grounds and facilities without regard to age, sex, race, color, religion, national origin, creed, political affiliation, or disability.

I have read and agreed to the policy for using the County of Henderson’s facilities and grounds.

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Organization/Group Representative:

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Signature

Date

---

Print Name, Organization and Title

**FOR COUNTY USE ONLY**

Approved:

Denied:

County Manager or Designee:

---

Signature

Title

Date

**HENDERSON COUNTY  
PUBLIC LIBRARY MEETING ROOM USE POLICY**

When not being used for Library sponsored activities, the Library’s meeting rooms are available for use by non-profit Henderson County based community organizations. Proof of tax exempt status may be required to establish eligibility. Library use of the meeting rooms is a first priority and the Library reserves the right to cancel a reservation if a room is needed for that purpose. Use of the meeting rooms does not constitute an endorsement of the views of the user of the room by the Library. The Library subscribes to the tenets of the Library Bill of Rights, which states in part, Libraries which make exhibit spaces and meeting rooms available to the public they serve should make such facilities available on an equitable basis, regardless of the beliefs or affiliations of individuals or groups requesting their use.

**Eligibility:**

Groups may use a library meeting room if:

- The organization is a non-profit
- The meeting is open to anyone
- No admission is charged

Meeting rooms cannot be used for:

- Private parties
- For-profit activities
- Any activity where admission is charged
- For any exclusive group

**Available Meeting Spaces:**

Main Library

- Kaplan Auditorium
  - Seated Capacity: 155
  - Standing Only Capacity: 215
  - Seated with tables capacity: 72
- Children’s Auditorium
  - Capacity: 50, Children’s Activities Only
- Study rooms ~~A, B, C, D and E~~
  - First come first served basis, no reservations
  - May be used for up to 3 hours ~~per day~~ at a time

Fletcher Library

- Meeting Room
  - Seated capacity: 50
- Basement
  - Seated Capacity: 102
  - Standing Only Capacity: 140
  - Seated with tables capacity: 48

Etowah Library

- Meeting Room
  - Seated Capacity: 70
  - Standing Only Capacity: 100
  - Seated with tables capacity: 35

### Application Process

- ~~A completed~~ Meeting Room ~~Reservation Form~~ reservations must be submitted at least 7 days prior to the date of the event. ~~Forms are available at Library Service Desks and on the Library's website: [http://library.hendersoncountync.org/meeting\\_rooms.html](http://library.hendersoncountync.org/meeting_rooms.html)~~ Requests can be completed through the Library's website: [www.hendersoncountync.gov/library](http://www.hendersoncountync.gov/library)
- Forms must be ~~signed~~ completed by a representative (over age 18) of the organization who will be responsible for the conduct of the meeting and proper use of the meeting space.
- Reservations are tentative until approved by a Library representative.
- Individual groups may only use a Library facility one time per month.
- Rooms may be booked up to three months in advance, but to avoid monopolization an organization may only have one room at any Henderson County Library location on reservation at any one time. The Library cannot guarantee or provide a monthly meeting space, same time same day.
- Meetings can only be scheduled during the Library's normal operating hours and must be completed ~~15~~ 30 minutes prior to closing time. Meeting room doors will be locked 15 minutes prior to closing time.
- ~~The Main Library Secretary, or appropriate Branch Manager, should be notified if the meeting is cancelled.~~ Meetings can be cancelled by following the cancellation link in the reservation confirmation email or by notifying the Main Library Administrative Assistant.

### Room Setup and Usage

- It is the responsibility of the user to schedule the room allowing time for setup and takedown. Library staff is not available to assist with room setup or takedown.
- Requests for Library equipment must ~~be made on the initial Meeting Room Reservation Form~~ be included in the original meeting room reservation request. A group representative must contact the Programming Librarian or appropriate Branch Manager after receiving ~~confirmation~~ approval of their room reservation to confirm the availability and use of any audiovisual (AV) equipment. All AV equipment requests must be made no later than 7 days prior to the program date. Confirmation for the use of the room does not guarantee use of the AV equipment.
- Only trained Library personnel may operate auditorium equipment.
- Library personnel will turn on projection or audio equipment at the start of a film or sound recording and will turn off equipment ~~and~~ at the end of a film or compact disc. Groups requiring multiple starts and stops of media must provide their own equipment. DVDs and CDs may be played and the contents projected through a laptop computer.
- It is the responsibility of the user to pick up all garbage and leave the library facility in the same condition as when the scheduled meeting began. This includes rearranging all chairs and tables to previous location.
- Groups must inform a library representative when their meeting is over so that library staff can secure the equipment and the facility.

### Regulations Governing Use of Meeting Rooms

1. All publicity for meetings must clearly state the meeting is not sponsored by the Henderson County Public Library. Copies of the aforementioned must be sent to the Main Library ~~Secretary~~ Administrative Assistant, or appropriate Branch Manager, at least 3 days prior to the meeting.
2. Only pre-approved posters may be placed in the library to advertise meetings and they MUST be given directly to a library representative for proper approval and display.

3. Access to the room prior to your scheduled time is not possible.
4. It is not permitted to charge registration fees or to require the purchase of an item as a condition of attending a meeting. Donations may not be solicited nor may any funds be collected, promised or pledged.
5. The use of the name, address, or telephone number of the Henderson County Public Library (or any of its branches) as the address or headquarters of any group using the library for meetings is prohibited.
6. Library staff may attend or observe any meeting or program at any time.
7. Messages cannot be relayed to people attending meetings except in emergencies.
8. Refreshments are permitted only for Henderson County Government or Public School groups. Refreshments for community group programs are not permitted.
9. Smoking or use of alcohol or malt beverages is not permitted.
10. Groups of young people under eighteen years of age must have the meeting room application signed by a sponsoring adult who must also be present at the meeting.
11. Displays may not be affixed directly to the walls of the meeting rooms without prior consent. Library fixtures may not be removed from the walls. The use of staples or thumbtacks on library walls is prohibited.
12. Users of the auditorium may not canvass or otherwise disturb library patrons.
13. Use of Library equipment is a privilege, not a right. In the event of equipment failure it is not the Library's responsibility to find alternative equipment for a meeting.
14. The Library is not responsible for patron equipment or exhibit materials. Equipment may not be stored at the library.
15. The Library reserves the right to make special accommodations for other county agencies.
16. The Library reserves the right to limit or prohibit at any time the use of the meeting room spaces which present a threat to the health or safety of library users, or the orderly use of the library.
17. Users of the Main Library Kaplan Auditorium should request attendees use the overflow parking lot to the south of the main parking lot.
18. For and in consideration of the use of the meeting room and library facilities, any person or group using same hereby agrees to indemnify and hold harmless the Henderson County Library from any and all actions, suits, relating to its use of such rooms and facilities. Further, such person or group agrees to reimburse the Library for any and all costs for repair of any and all damage as may be caused directly or indirectly to the room and/or facilities by such use thereof. If any organization refuses to pay for the damage, the matter will be referred to the County Attorney for legal action.

**PARK RULES**

Parks rules can be found within the Henderson County Code of Ordinances, Chapter 19.

**<https://www.hendersoncountync.gov/code-document/chapter-19-parks-and-recreation-areas>**

**COMMISSIONERS' MEETING ROOM POLICY**

No bags, packages, or parcels of any sort are permitted within the Commissioners' meeting room in the Historic Courthouse without either (1) prior inspection by law enforcement personnel, or (2) carrying of credentials previously approved by the County Manager.