

REQUEST FOR BOARD ACTION

**HENDERSON COUNTY
BOARD OF COMMISSIONERS**

MEETING DATE: September 21, 2022
SUBJECT: Facility Use Policy
PRESENTER: Board of Commissioners
ATTACHMENTS: Yes
1. Tab 35 – Facility Use Policy

SUMMARY OF REQUEST:

The Board is requested to update the Facility Use Policy, removing reference to Henderson County Library facilities. The Board adopted a separate Library Facility Use Policy at the August 17, 2022 meeting, rendering that section in the County-wide Policy unnecessary.

BOARD ACTION REQUESTED:

The Board is requested to adopt the updated Facility Use policy as presented.

Suggested Motion(s):

I move the Board adopt the updated Facility Use Policy as presented, removing the reference to Library facilities.



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
September 19, 2018
September 9, 2021
September 21, 2022

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PURPOSE

The Facility Use Policy is designed to govern the use of County-owned facilities by individuals, groups and/or organizations that are not directly associated with Henderson County Government. 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.

AUTHORITY

This policy is adopted pursuant to N.C. Gen. Stat. §153A-169, which directs that the Board of Commissioners “shall supervise the maintenance, repair, and use of all county property”, and allows the Commissioners to adopt “regulations concerning the use of county property”.

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 Building and the “square” area on the exterior of the building facing Main Street, but not including its grassed areas or parking lot (1 Historic Courthouse Square).
2. King Street Office Building (100 N. King Street) meeting room.
3. Designated rooms and the grounds 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) meeting room.
5. Certain rooms (designated herein) of the Henderson County Public Library.

Facilities of the Henderson County Parks and Recreation Department are covered under separate policy.

RULES GOVERNING PUBLIC FORUMS

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

1. The following places are designated as public forum areas:
 - a) The sidewalks and square area (but not grassed areas) of the exterior of the Historic Courthouse building (1 Historic Courthouse Square, hereafter the “Historic Courthouse”) on the side facing Main Street.
 - b) The walkways and other pedestrian access areas on the exterior of the Courthouse Building (200 N. Grove Street, hereafter the Courthouse Building), subject to the provisions of N.C. Gen. Stat. §14-225.1.
2. A permit is required for gatherings for Public Forums, to reserve these areas solely to prevent simultaneous conflicting uses.
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 without regard to the purpose of the proposed gathering.
 - 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 of 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.
5. Access to the Historic Courthouse and to the Courthouse Building may not be blocked or impeded during periods in which business (including governmental business, meetings, court, and related functions) is being conducted, or during business hours of the museum at the Historic Courthouse. Sound amplification is not permitted during County or State Government business hours, including regular or special called meetings of the Board of Commissioners.

RULES GOVERNING THE USE OF ALL FACILITIES AND GROUNDS

1. The applicant requesting the use of a county facility or grounds must complete the necessary application accepting liability as outlined below in #2, and present a photo ID.
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 of 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. Facilities are not available to exclusive groups; meetings must be open to the public.
4. The County facilities may not be reserved by commercial groups.
5. Solicitation is not permitted.
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. Disruptive behavior is prohibited.
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 other types of fires are prohibited.
15. No alcoholic beverages will be permitted.
16. Federal and State firearm laws must be obeyed.
17. The applicant is responsible for providing proof of proper disposal of trash and debris in advance.
18. The applicant is responsible for returning any furniture and fixtures to the original configuration immediately after use.
19. Signs, decorations, or other attachments may not be hung on any building or permanent structures in a manner that may potentially damage the property.
20. Parking for those attending meetings in these facilities will only be permitted in designated areas.
21. This policy does not apply to sidewalks or streets that are under the jurisdiction of the local municipality or State of North Carolina.
22. 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.
23. All uses must be in compliance with local, state and federal laws, including the Americans with Disabilities Act.
24. The applicant must comply with any further or additional restrictions the county chooses to place on the use of the grounds or facility.
25. 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.
26. 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: Public Information Officer, except for the Commissioners' Meeting room, the Clerk to the Board.
- b) 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., during regular or special called meetings, 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.
- c) The rooms available are the Commissioners' Meeting Room and the Community Room.
 - i. The use of the Commissioner's Meeting Room for non-County Government business 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. The equipment in the room is not available for use.
 - ii. 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. Use of the room may 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.
 - iii. For any use of the interior of the Historic Courthouse, 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.
- 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 museum portion of the Historic Courthouse is not available for public use.
- f) Large community-wide events, which are sanctioned by the County, may have use of the Historic Courthouse grounds during the event, and may be exempt from the prohibition of sound amplification during County Government business hours.
- 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



Henderson County

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

Application for Use of the Historic Courthouse Grand Community Room – Room 219 ¹

1 Historic Courthouse Square Hendersonville, NC 28792

Name of Applicant Making Request² 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 the Use of all Facilities and Grounds" found on Page 5 of the Facility Use Policy.

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

PERMISSION GRANTED TO USE HISTORIC COURTHOUSE GRAND COMMUNITY ROOM

Public Information Officer Date Request Approved

PERMISSION DENIED TO USE HISTORIC COURTHOUSE GRAND COMMUNITY ROOM

Public Information Officer Date Request Denied

Reason Denied:

¹ Effective July 7, 2008, the Henderson County Board of Commissioners approved a Facility Use Fee to cover expenses to utilize county staff to secure the building when the community room is used for non-county government purposes after business hours, 5:00 p.m. until 9:00 p.m., Monday through Friday and 5:00 p.m. until 9:00 p.m. Saturday and Sunday. The Facility Use Fee is \$25.00 per hour with a \$50.00 minimum. The fee is based upon the number of hours listed in the beginning and ending time on this application and is payable to Henderson County upon presentation of this completed application. No refund is given for hours reserved but not used; no extension of hours is permitted.

² The individual(s) signing this application are responsible for providing a photo id as part of the application process. The community room must be cleaned (trash emptied) after use and restored to the original configuration. The person named on the application is responsible for room use.

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.

Organization/Group Representative:

Signature

Date

Print Name, Organization and Title

FOR COUNTY USE ONLY

Approved:

Denied:

County Manager or Designee:

Signature

Title

Date