

REGULATIONS GOVERNING THE TURNING POINT PARK PROJECT

[The City of Norfolk reserves the right to amend these regulations at any time without notice.]

WHEREAS, Town Point Park (Park), a landmark public park within the City of Norfolk, Virginia (City), is a quarter century old, and is now undergoing a refurbishment; and

WHEREAS, in connection with that refurbishment and to honor the City's cultural ascent over the past twenty five years, the City created the Turning Point Park Project (Project);

Now, therefore, in consideration of the above, the following regulations are hereby promulgated by the City of Norfolk through its City Manager and its Director of Recreation, Parks and Open Space.

A. STATEMENT OF INTENT.

Direct access for all subjects and viewpoints by the public in general to the components of the Project, those components being monuments for the Park in the form of bricks, markers, plaques and similar items to be erected throughout the Park, is not compatible with the purpose of the Project as a whole or any of its individual components. That purpose is to create something expressing the best elements of the City, the unique beauty, culture and way of life of Norfolk and its citizens, to project a positive image of the City in its preeminent park on the waterfront. However, the City wishes to offer members of the public the opportunity to have some limited participation in that creation.

Therefore, the City will consider proposals from private parties, in exchange for donations, for monument inscriptions compatible with the general purpose and message of the Project as stated above. Moreover, the City will also consider, to the extent compatible and consistent with the overall public purpose and message of the Project, proposals from private parties, in exchange for donations, for monument inscriptions that honor certain moments and milestones in the personal, private lives of donors, such as the birth or graduation of a child.

This regulation shall govern all decisions to grant, modify or deny such requests. A donor must choose a message from the basic examples of substance and format listed below. The City may modify all proposed messages as necessary so as to make them compatible and consistent with the overall purpose and message of the Project. The City may reject any proposed messages as

incompatible and inconsistent with the purpose and message of the Project. Donors are not purchasing by their donations any component monument of the Project or any rights in any of the individual component monuments of the Project or of the Project as a whole, including but not limited to any personal, contractual, property, copyright or moral rights under common law, statutory law, treaty or other agreement of any type.

The City will place its monuments throughout the Park, where they will become an important part of the public identity that the City projects to its citizens and the outside world. The City may without notice remove, alter or destroy any messages, component monuments or the entire Project at any time in the future.

In creating the Project and promulgating these regulations, the City does not intend to designate the Project or any of its components as public fora. In the Project, the City speaks, not the individual donors whose proposals may to some degree be incorporated into the monuments of the City's Project. Consequently, Festevents shall immediately notify the City's Department of Law before granting any proposal that exceeds or might exceed the limits of these regulations. The City retains final approval authority over the selection of the content of any component of the Project, including any names, messages or images, whether proposed by a private donor or Festevents, before they become part of the Project and thus part of the persona of the Park and of the City of Norfolk.

The City also reserves the right to: (i) reverse any decision of Festevents concerning the Project; and (ii) direct Festevents to stop taking donors' proposals and donations immediately at any time the City judges the Project to be complete.

B. ELIGIBILITY.

The eligibility of donors' proposals for the monuments of the Project shall be according to the following criteria. The City may modify all proposed messages as necessary so as to make them compatible and consistent with the overall purpose and message of the Project. The City may reject any proposed messages as incompatible and inconsistent with the purpose and message of the Project. Donors are not purchasing by their donations any component monument of the Project or any rights in any of the individual component monuments of the Project or of the Project as a whole, including but not limited to any personal, contractual, property, copyright or moral rights under common law, statutory law, treaty or other agreement of any

type. These provisions apply to all components of the Project, including naming rights.

The City will only incorporate messages into the Project which: (i) commemorate moments and milestones in the personal, private life of the donor or donors, such as the birth or graduation of a child; or (ii) commemorate positive general qualities of the City's unique beauty and culture. The City may modify all proposed messages as necessary so as to make them consistent with the overall purpose and message of the Project. The approved messages (content and form), are listed below.

Consistent with the purpose and message of the Project, the City will consider no proposals, including but not limited to, names, company logos, images, symbols, words or messages, which in whole or in part are or may reasonably be construed to be: personal statements of belief, obscene, sexually-oriented, curse or swear words, issue-oriented, religious, political, philosophical, sociological, related to drug, alcohol or tobacco use, related to violence, related to illegal activities or activities prohibited to minors, names of or references to criminal organizations or gangs and names of or references to historical personages or events. Moreover, all proposals are limited to "self-discussion". That is, no proposal shall critique or comment on any other; and no proposal shall be repeated across multiple components of the Project (whether proposed pursuant to a donation by one individual or entity or a number of different individuals or entities).

C. INSCRIPTIONS.

The City will inscribe upon any component monument of the Project, subject to all the requirements above and any further below, the following inscriptions.

1. Images.

A donor may request that the City inscribe the image of a heart, in a design of the City's choosing, on any component of the Project. The City will place no other images, except for Corporate Logos, discussed below, upon any of the component monuments of the Project.

2. Corporate Logos.

Partnership and corporate donors may propose that City inscribe the image of their logo upon any component monument of the Project. The City will only inscribe logos that are abstractions, either abstractions independent of any object in nature or abstractions from some actual object in nature. The

City will not inscribe logos that are or attempt to be literal representations of any object in nature. The word "object" as used herein means any thing or part thereof, including but not limited to, any person, plant, animal or man-made object.

3. Messages.

Donors must use one of the City's official messages, or a variation upon one of them which is of the same substance and basic format. A donor may, in addition to a message, also have the City inscribe his or her name or that of a relative or loved one, and a partnership or corporation may have the City inscribe its name and logo, subject to all the restrictions above and any further below. The approved messages shall be those with substance and format as follows.

a. Messages commemorating moments and milestones in the personal, private life of the donor or donors, such as the birth or graduation of a child:

MARRIED [DATE], TOGETHER FOREVER
IN MEMORY OF [PERSON'S NAME]
CONGRATULATIONS [PERSON'S NAME]
TO THE BEST [KIDS, WIFE, HUSBAND, ETC.]
THE SIMPLE THINGS IN LIFE ARE BEST
IN HONOR OF [PERSON'S NAME]
FUN TIMES AND FOND MEMORIES
FOR YOUR YEARS OF SUPPORT AND FRIENDSHIP
[PERSON'S NAME]
U.S. NAVY [OR OTHER BRANCH OF THE
MILITARY]

b. Messages commemorating positive general qualities of the City's unique beauty and culture.

BEST WISHES TO THE CITY OF NORFOLK
NORFOLK THANKS
NORFOLK ROCKS
DYNAMIC NORFOLK
PROUD OF NORFOLK
NORFOLK'S BEAUTIFUL WATERFRONT

C. SEVERABILITY.

Severability is intended throughout and within all the provisions of this regulation. If any provision (including any word, phrase, sentence, paragraph, subsection or section), or the application of any provision to any entity, individual or circumstance, is judicially declared to be invalid, illegal or unenforceable, the remaining provisions and their application shall not be affected, and they shall remain in full force and effect.

CITY OF NORFOLK

By _____
Regina V.K. Williams
City Manager

Contents approved:

Darrell Crittenden, Director
Recreation, Parks & Open Space