



Nicholas Yarmoshuk, Secretary,
Niagara Region Chapter,
Rhododendron Society of Canada
57 Highland Avenue, St.Catharines, L2R4H9
<http://www.rhodoniagara.org>

December 15, 2008

Mr. Brian McMullan
Mayor, City of St. Catharines
City Hall, St. Catharines
bcmullan@stcatharines.ca

Dr. Joseph Kushner
Councillor, St. Andrews Ward 2
City Hall, St. Catharines
jkushner@stcatharines.ca

Ms. Dawn Dodge
Councillor, Grantham Ward 5
City Hall, St. Catharines
ddodge@stcatharines.ca

Subject: Happy Rolph Rhododendron Garden

Your Worship, Dr. Kushner and Ms. Dodge,

The Niagara Region Chapter of the Rhododendron Society of Canada is a St.Catharines based not-for-profit organization whose aim is to promote and support interest in the genus *Rhododendron*. A group of volunteers organize educational meetings with knowledgeable speakers, provides access to topical publications, support rhododendron gardens in public venues, collaborate with other Chapters and conduct tours to notable rhododendron gardens in the Niagara Region. Annual general plant sales provide funds for our activities. Our membership totals almost 100 people, many of whom are residents of St. Catharines.

The City of St. Catharines is the site of a unique collection of rhododendrons. They are located in the Happy Rolph Bird Sanctuary at the foot of Read Road. This collection of rhododendrons was started by members of the Niagara Region Chapter and, indeed, our second president, the late Lyall Fretz, current Board members Mike and Marian Little and others donated plants when the garden was first initiated. This unique, but little known, rhododendron collection was agreed to on February 16, 1978 and authorized by City of St.Catharines By-Law 78-19.

The intent at the creation of this rhododendron garden was to provide a home for hundreds of plants in a display garden for the Niagara Region; a specie garden, a tender plant test garden, a source of rhododendron pollen, seeds and cuttings for the good of the national Rhododendron Society and a serene and beautiful spot to enjoy nature in all its glory. (*Re: Bulletin of the Rhododendron Society of Canada, 1978, v.7, n.1, p.19*).

To the best of our knowledge members of the Rhododendron Society have never been permitted access to the site to view the rhododendrons in bloom. We are interested in visiting the site in the spring or fall, but especially in May, when the rhododendrons are in full bloom. Also, we wish to promote the existence of this unique collection.

At the last meeting of the Board of Directors, the Board voted to determine whether or not a supervised, 2 to 3 hour, tour of the Rhododendron Garden in the Happy Rolph Bird Sanctuary could be permitted for Saturday May 16, 2009. Accordingly, the Board instructed me to seek your assistance in obtaining permission for us to conduct such a tour, within whatever guidelines City authorities wish to prescribe. We expect that 50 adults would wish to participate in this tour.

Your assistance in realizing this quest would be much appreciated. I look forward to discussing this with you and/or Parks Department officials as soon as it is convenient for you.

Nicholas Yarmoshuk, for the Board of Directors.
<http://www.rhodoniagara.org>

CITY OF ST. CATHARINES

Dated *16 February* 1978.

BY-LAW No. 78-19

RUDY BEHRING,
24 Rendale Avenue,
St. Catharines, Ontario.

A BY-LAW to authorize an agreement
with Rudy Behring.

- and -

THE CORPORATION OF THE
CITY OF ST. CATHARINES

AGREEMENT

BY-LAW read a first, second and third
time and passed this 23rd
day of January 19 78.

(sgd) T. R. HOLLICK

Clerk

T. A. Richardson,
City Solicitor,
City Hall, Box 3012,
St. Catharines, Ontario.
L2R 7C2

CITY OF ST. CATHARINES

BY-LAW NO. 78-19

A By-law to authorize an agreement with Rudy Behring.

THE COUNCIL OF THE CORPORATION OF THE CITY OF ST. CATHARINES
enacts as follows:

1. That an agreement with Rudy Behring, with respect to planting and maintaining rhododendron and azaleas in the Happy Rolph Bird Sanctuary, be and the same is hereby approved and authorized.
2. That the Mayor and Clerk be and each of them is hereby authorized to sign the said agreement and the Clerk is further authorized to affix the corporate seal thereto.

PASSED this 23rd day of January 1978.

(sgd) T. R. HOLLICK

(sgd) T. ROY ADAMS

CLERK.

MAYOR.

Certified A True Copy. January 24th 1978.

Clerk



A handwritten signature in cursive script, appearing to read 'T. R. Hollick', is written over a horizontal line.

1576/

THIS AGREEMENT made in triplicate this 16th day of February 1978
and authorized by By-law No. 78-19 of the City of St. Catharines.

BETWEEN:

RUDY BEHRING, of the City of
St. Catharines, in the Regional
Municipality of Niagara,

Hereinafter called the "Party of the First Part";

- and -

THE CORPORATION OF THE CITY
OF ST. CATHARINES,

Hereinafter called the "Party of the Second Part".

WHEREAS the Party of the First Part wishes to contribute his skills in the propagation and care of rhododendron and azaleas to the beautification of the Happy Rolph Bird Sanctuary;

AND WHEREAS the Party of the First Part wishes to ensure that no new rhododendron hybrids given to the Party of the Second Part and planted on City lands will be named and propagated or distributed for commercial purposes;

AND WHEREAS the Party of the Second Part wishes to avail itself of any skills and plants offered by the Party of the First Part;

NOW THEREFORE THIS AGREEMENT WITNESSES that in consideration of the mutual covenants herein agreed upon, the Parties hereto hereby agree as follows:

1. The Party of the Second Part hereby grants permission to the Party of the First Part to plant and cultivate rhododendrons and azaleas upon lands in the Happy Rolph Bird Sanctuary provided that -

- (a) such rhododendrons and azaleas will be planted only in locations approved by the Director of Parks and Recreation for The Corporation of the City of St. Catharines.
- (b) such plants shall become the property of The Corporation of the City of St. Catharines subject to the covenants hereinafter contained;

(c) in the event that such rhododendrons and azaleas are no longer required by The Corporation of the City of St. Catharines, they shall first be offered to the Party of the First Part for removal within a reasonable period of time, failing which, the rights hereunder of the Party of the First Part shall cease.

2. The Party of the Second Part covenants and agrees that it will not name or register any unnamed hybrids nor propagate them for distribution or for commercial purposes.

3. The Party of the Second Part hereby grants to the Party of the First Part a right of access to such plants for the purpose of breeding, propagation and cutting of trusses for show purposes.

4. It is understood and agreed that the terms and conditions of this agreement shall enure only to the benefit of the Parties hereto.

IN WITNESS WHEREOF the Parties hereto have hereunto set their hands and seals.

Signed, sealed and delivered)
In the presence of)

Carol Schuss

Rudy Behring

(Rudy Behring)

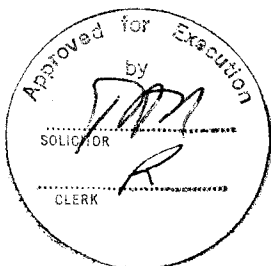
THE CORPORATION OF THE CITY OF
ST. CATHARINES

T. Roy Adams

Mayor.

T. R. Hollick

Clerk.



THE RHODODENDRON GARDEN OF ST. CATHARINES

Rudy Behring St. Catharines, Ontario

From: Bulletin, Rhododendron Society of
Canada, 1978, v.7, n.1

This is the story of a developing 'Rhododendron Garden' on the south-shore of Lake Ontario. The exact location is the extreme north-east corner of St. Catharines. It is best reached by crossing the Welland Canal at lock no. 1 going east on Lakeshore Rd, turning north onto Read Road and proceeding as far as the small public parking lot on the left hand side. The ponds are a short stroll due north-west. (Note: If coming from the direction of Toronto, north is left after the turn in Hamilton).

After a self-imposed exile from Montreal with its newly created Rhodo Garden at the M.B.G., it was only natural that I would be in need of an area where my upcoming large hybrids could grow undisturbed. In the fall of 1976, I approached the St. Catharines Parks Department in the hope of securing a small section in one of their parks. After stating my reasons and qualifications to manager Bob Munson, I was most surprised to be given the choice of any of ninety-three parks that the 'Garden City' administers. Panic set in, being confronted with such a large choice. On further inquiry, some of the better locations were pointed out, including a little known Bird Sanctuary. One drawback would be a chainlink fence surrounding the area but, in return, it would provide a measure of security against vandalism which is so prevalent in these times.

More out of curiosity (about this park with the chainlink fence) than anything else made me visit the 'Happy Rolph Bird Sanctuary'. One look from the caretaker's house had my head spinning. Down below the ponds and past the huge weeping willow (bed 17) was Lake Ontario. Visions of yet another 'Wisley Garden' danced in my mind. This was it, no other garden would do! Soon a preliminary plan was prepared and given to Mr. Munson, who presented it to City Hall for approval and subsequently a bylaw was passed. This 'Best of Two Worlds' agreement is presented in a separate article.

With a total area of 15 acres, the Sanctuary consists of a strip of shoreline and trees to the west, the 5.5 acres enclosed by the fence and all the orchard area east as far as Read Road. Next to the public parking is a domestic animal enclosure where the public can view and pet the animals. The old cherry orchard has been interplanted with 4000 evergreens for future development as a woodland area. Four years ago, the City bought some of the land and the house from Harry Rolph who had planted many of the large selections of trees and bushes around the ponds. The large living room of the house will be opened soon to the public in order to provide year-round sheltered viewing of wild ducks, Canada geese and the many other birds that make this Sanctuary a bird lover's paradise. The four to five foot high fence keeps dogs and the public out of the nesting area and will protect the rhodo plantings at the same time. Viewing areas are provided at various locations and for an overall view a tower is planned next to the picnic area. It should be remembered that, all vegetation is in place with just the rhodo beds to be blended in. As can be seen, from the accompanying map, the main impression that one has, are two connecting ponds with meadows blending into the bushes at the edge to the inclines. Two strips of 20' to 25' tall Austrian pines, on the inclines, give the whole area that natural look. Another weeping willow stands on an island used for waterfowl only. Varied spruces, cedars and high evergreen

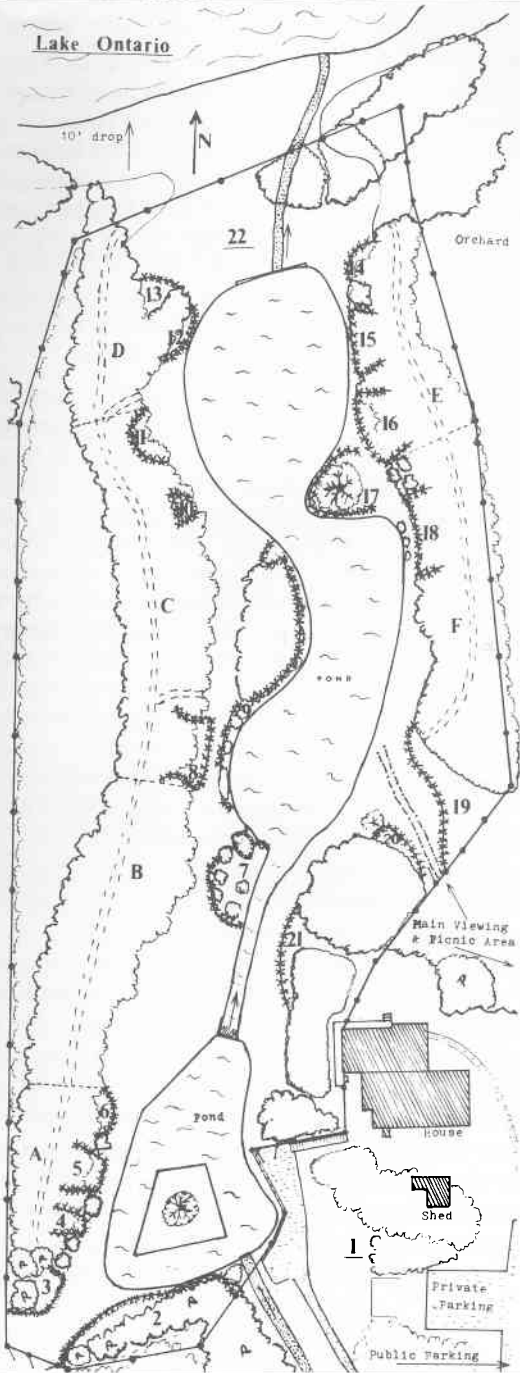
**RHODODENDRON
GARDEN
ST. CATHARINES**

Location:
Bird Sanctuary
Read Road
.....

Numerals:
Rhododendron Beds

Letters:
Sections, with path,
of pine grove (on
upper level)

Beds #: 1;7;9;
12;17;19;21;&22
are mostly for Azaleas



shrubs blend with the redbuds, flowering dogwoods, giant wild roses and 20' tall *Euonymus* bushes (fruits from white to dark red). What a sight in spring, for that matter, year round!

For the culture of rhododendrons this garden is almost ideal. Wind protection from the west is provided by the adjoining buildings of 'Potters Distillers' and a hedgerow along the inside of the fence. The pines on each incline provide additional protection. Since the city trimmed out the bottom pine branches, a partially shaded growing condition is now provided. Air drains at all times from all areas, eliminating frost pockets. The closeness of the lake insures that the temperature never drops below -20°C (-5°F) in winter, while providing cooling in summer, giving me a chance to try growing *R. arboreum*. The soil is, in most locations, sandy loam with a good layer of pine debris, with an average acidity of pH 5.25. This allows the direct digging in of rhodos, finishing with a good layer of pine mulch. Air and ground moisture are present at all times.

In designing the area as a rhododendron garden, certain criteria had to be taken into consideration. No plants were to be grown closer than six feet to the water (to allow cutting of grass), except where they could be interplanted with existing vegetation. No walking would be allowed in the meadows during breeding season (May-June, at the main rhodo flowering time) since fowl lay their eggs into the grass. This last problem has now been mainly overcome by re-establishing through clearing, a long forgotten path along the pines. This path starts now at the south-west service entrance, and ends at the main viewing area as indicated on the plan. Thus, most beds are accessible for planting and maintenance from the back. All beds without partial shade have been reserved for azaleas, with area 22 exclusively for azaleas that like swampy conditions. Bed 16 will be the nursery bed, since it is hard to view from most directions. The duck feeding area, bed 1, will be planted with common large material, since it is outside the fenced-in section. The design is such, that all large rhodos will be planted at the greatest distance from view, with medium growing ones closer up and small or dwarf types next to the fencing.

The first rhododendron, 'Direktor E. Hjelm' was planted (bed 8) during a ceremony in May 1977, attended by City officials and Mr. and Mrs. Lyall Fretz who donated that large plant. My wife, Monique planted 'Cynthia', our first plant, into bed 7 in the hope that this large growing rhodo will, in time, overhang the edge of the water. In the fall, Lyall donated more large plants which were placed in various locations. Other donations have been pledged, with the hope, that other enthusiasts will do the same. Anyone making donations will be given preferred access to the eventual harvest of material. Flower trusses taken for Shows will be entered in the name of the 'St. Catharines Rhododendron Garden'.

In the coming years, large plants will be set out into the beds with thousands of smaller ones to be grown on, in the pine groves. As the bottom pine branches die off, the rhodo beds could in time stretch the whole length of both inclines. In turn, grown on plants could be transplanted into the picnic area and the former driveway to Read Road. In short, the whole 15 acres, wherever conditions allow. In the far future, should I be so lucky to be still around, any left-over material might then be considered for other city parks. Another plan of mine would involve the

pine groves. They could be laid out as a woodland setting, full of rhodos to be opened to the public along the newly-made paths, at flowering time, on a conducted tour basis only.

It is my hope, that this rhododendron garden will serve many purposes. An extension to our garden to give a home to the hundreds of plants being grown on, a 'Display Garden' for the Niagara Region, the first 'Species Garden' and also, as a tender test garden for the National Society and a ready source of pollen, seeds and cuttings for the good of the Society.

Finally and most of all, it will be a serene and beautiful spot to enjoy nature in all its glory.

THE BEST OF TWO WORLDS

Rudy Behring St. Catharines, Ontario

Date and numbers are incorrect. Should be February 16, 1978 #78-19

On February 20th, 1978, Bylaw no. 78-61 was passed between the City of St. Catharines and myself.

By dispensing with the legal jargon, the agreement covers the following:

- 1 - The City grants permission to plant and cultivate rhododendrons upon lands in the 'Happy Rolph Bird Sanctuary' providing that
 - a) Only in approved locations.
 - b) Plants become the property of the city.
 - c) If plants are no longer required by the City they shall be offered back to R. Behring for removal within a reasonable time.
- 2 - The City will not name or register any unnamed hybrids nor propagate them for distribution or for commercial purposes.
- 3 - The City grants R. Behring the right of access for the purpose of breeding, propagation and cutting of trusses for show purposes.
- 4 - The agreement shall be only to the benefit of both parties.

This is the third contract that I have entered with an institution and feel that it is by far the best for both parties. The City has ownership over all plants and gains my expertise, planting and plant maintenance at no cost.

For myself, I will not have to worry about destruction of rhodos by the City. It is also most unlikely that the Bird Sanctuary will ever be rezoned. No taxes will have to be paid and no general maintenance done. The City will also prepare beds if necessary, provide mulch from chopped-up Christmas trees and provide tags for identification. All the advantages like breeding and propagation are mine, with the important item, the naming of new hybrids left to the breeders. What else would one want?

This legal agreement might serve as a model for anyone wishing to *have* a large 'Rhododendron Garden' without the problems of *owning* it!