

Council,
January 29, 1970

MINUTES

Minutes of the Council meetings held on January 7th and 15th, 1970 were approved on motion of Alderman LeBlanc, seconded by Alderman Allen.

APPROVAL OF ORDER OF BUSINESS, ADDITIONS & DELETIONS

The City Clerk requested the addition of:

20 (a) - Amendment to Administrative Order No. 8.

Alderman Hogan requested the addition of:

20 (b) - Emergency Housing.

Alderman Ivany requested the addition of:

20 (c) - Reply to a question he had previously asked concerning Office Space in Scotia Square.

MOVED by Alderman Meagher, seconded by Alderman Hogan, that the agenda, as amended, be approved. Motion passed.

PETITIONS & DELEGATIONS

His Worship the Mayor asked that before moving to Items 9 (a) and 9 (b) on the agenda, copies of the following documents be tabled:

1. Letter dated January 20, 1970 from the Nova Scotia Association for the Advancement of Coloured People:

"2953 Winston Place
Halifax N.S.
January 20, 1970

"His Worship the Mayor Allan O'Brien & Members of Council,
City Hall,
Halifax, N.S.

"Your Worship and Members of Council:

"The Nova Scotia Association for the Advancement of Coloured People is hereby bringing to your attention an incident which took place at City Hall about two weeks previous to January 12, 1970. Mr. Aaron Carvery of Africville was taken into an office at City Hall in which were Messrs. Donald Murphy, City Solicitor, Sydney Langmaid, Supervisor of Real Estate, Harold Crowell, Social Planner, Harry Carter, Special Project Worker and two or

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"three other men, where he was both pressured and coerced to sell his property in Africville by being shown a satchel full of money, allegedly \$14,000.00 in cash. We consider such behaviour to have been not only an insult to Mr. Carvery's dignity, but also a grossly immoral act, motivated by a total disrespect for this gentleman as a fellow human being, because of his age, and his station in life. Such blatant disregard for one's human dignity is of course unpardonable and even more so when initiated by supposedly trusted public servants.

"We of the Nova Scotia Association for the Advancement of Coloured People are therefore demanding an investigation of this incident, disciplinary action against the perpetrators of this evil act, a public apology to Mr. Carvery, and assurances that such behaviour will never again take place regardless of who the individuals involved may be.

"We further request that City Council adopt a motion expressing its disapproval of this conduct and dissociating itself both in principle and in fact from this disgraceful action on the part of staff.

"Yours truly,
(Sgd) H.A.J. Wedderburn
FOR THE EXECUTIVE
NOVA SCOTIA ASSOCIATION FOR THE
ADVANCEMENT OF COLOURED PEOPLE.

2. Report dated January 23, 1970 by City Manager, entitled "Africville Relocation - Mr. Aaron Carvery":

"To: His Worship the Mayor and Members of City Council
From: S.A. Ward, City Manager
Date: January 23, 1970
Subject: Africville Relocation - Mr. Aaron Carvery

"On December 4th of last year a meeting took place in City Hall for the purpose of obtaining possession of a house belonging to the City of Halifax.

"In summary, this meeting was necessary for the following reasons:

1. Mr. Aaron Carvery's property was owned by the City of Halifax at that time by virtue of lawful expropriation on November 28th, 1969.
2. The Halifax-Dartmouth Bridge Commission was most insistent that the house owned by the City be removed to allow an approach road to the A. Murray MacKay Bridge to be completed in order to avoid imposition of contractor's penalties amounting to thousands of dollars a day.
3. City staff was attempting to have done voluntarily that act which could have been achieved by an order of the Court to give up possession.

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"4. This transaction was of a different nature from the City's normal property acquisitions because it also involved the search for alternative housing, since Mr. Carvery was a resident of Africville and was entitled to certain considerations granted by City Council in its initial decision to relocate the residents of that area.

"Present at the meeting were the City Solicitor, Mr. D.F. Murphy, who acted as the City's chief spokesman; Mr. D.B. Hyndman, Director of Finance and City Treasurer who had withdrawn funds from the bank on the City's behalf; Mr. C.W. Smith, Internal Auditor, who was present to ensure the propriety of any transaction; Mr. H.D. Crowell, Social Planner, and Mr. Harry Carter, Special Projects Worker, Social Assistance Department, (himself a former Africville resident) who, in effect, were present on Mr. Carvery's behalf. Also present were two plainclothes Police officers who safeguarded the funds from the time of withdrawal. (A statement that Mr. S.J. Langmaid was also at this meeting is erroneous).

"It is correct that in the course of this meeting of staff with Mr. Carvery, the amount of approved compensation was available to Mr. Carvery in cash, and he was in fact shown the money. The meeting was not held as the NSAACP states, to "coerce" Mr. Carvery into selling his property for \$14,000 or any other amount: the City already owned the property because of the expropriation. The meeting was held for the sole purpose of seeking Mr. Carvery's agreement to vacate the Africville property.

"The meeting concerned itself primarily with rehousing Mr. Carvery so that he could move with reasonable peace of mind. Mr. Carvery, however, maintained his position that the City should pay him the agreed compensation and buy or otherwise make available a five- or six-room house, or pay him \$35,000. Various housing alternatives were discussed, but the meeting ended inconclusively.

"At the outset of the meeting, Mr. Carvery was told that he had a right to legal services of his choice at City expense. He was asked if he had obtained legal advice; his reply indicated that he did not, in his opinion, need it. Mr. Carvery's failure or reluctance to obtain legal advice, in the opinion of staff, may have accounted for his failure to understand his position regarding ownership and compensation.

"In viewing the history of negotiations with respect to this property, it is essential to keep in mind that the transaction was not a straightforward one wherein the City merely sought to acquire a property for some legitimate public use. It was part and parcel of the City's undertaking to relocate the people of Africville, who were entitled to full compensation for their interests in land and buildings and, among other things, to being rehoused through the City's efforts.

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"Mr. Aaron Carvery's interest was the last for which compensation was to be paid and he was the last person for whom the City was obligated to find acceptable housing.

"Two factors made the relocation of Mr. Carvery different from any other:

1. Mr. Carvery's determination not to accept compensation commensurate with the realistic value of his property as established by numerous precedents, including identical interests in the same lands;
2. the fact that the lands which Mr. Carvery occupied ultimately were in the path of the approaches to the A. Murray MacKay Bridge.

"Negotiations with Mr. Carvery extended over a period of more than three years. His continued refusal to accept either the compensation or the alternative housing offered by the City brought the matter eventually to a point of crisis caused by the Halifax-Dartmouth Bridge Commission's need for the land. Inevitably, this brought about heavy pressure from the contractors for access to the land, the threat of substantial financial penalties and the prospect of a delay of unknown duration in the opening of the new bridge. The relocation of Mr. Aaron Carvery, therefore, took on a dimension which did not apply in any other Africville relocation case.

"Mr. Carvery was one of five heirs of the estate of William Carvery. Council had authorized acquisition of the estate of William Carvery lands for \$25,000. Four of the heirs, brother and sisters of Mr. Carvery, had accepted \$5,000.00 each for their interest, had given up possession of their properties and relocated elsewhere in the City.

"In view of the impasse, staff requested the long disbanded Africville Sub-Committee to reconvene to consider a settlement "which would be consistent with the spirit and intent of the total Africville relocation program". At a meeting on September 29, a settlement of \$14,387.76 was agreed upon to be recommended to Council. The subsequent staff report recommended as follows:

- '1. A total settlement of \$14,387.76 be offered to Aaron Carvey, to include compensation for his interest in the William Carvery Estate, his dwellings remaining on the property, his interest in the Estate of Maizie Carvery, furniture and moving allowance, and refund of an amount equal to property taxes paid by him subsequent to the (1953) death of William Carvery, Senior.
- '2. In the event that Aaron Carvery should be unwilling to accept the above offer of settlement, it is further recommended that the City proceed immediately with expropriation, ensuring that construction of the Narrows Bridge be delayed no further, but that City Staff make

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'every effort to facilitate Mr. Carvery's relocation by offering suitable accommodations, presently being held in reserve for this purpose. However, Mr. Carvery should be assured a settlement from the City of an amount at least equal to the \$14,387.76 being offered, regardless of any decision reached in the law courts.

'3. City staff be directed to interpret to Mr. Carvery his right to legal counsel of his own choice, at the expense of the City, should he wish to have formal representation in opposing the terms of relocation offered to him.'

"City Council approved the recommendations on October 15 and they were communicated to Mr. Carvery by letter and by word of mouth. Mr. Carvery refused to accept either the compensation or any of the housing offered him by the City, and expropriation, therefore, had to be proceeded with. City Council gave its formal approval on November 26, and the actual expropriation took place on November 28. The City, thus, became the owner of the property in question, and Mr. Carvery was so informed. Mr. Carvery was guaranteed compensation of \$14,387.76 even should the courts establish a lesser valuation.

"Mr. Carvery refused to vacate the premises, and it became apparent that he would not do so until he was absolutely assured of both housing and compensation to his satisfaction. The City's alternatives at that point were limited to (a) continued negotiation with Mr. Carvery in the hope that he would accept the approved compensation and vacate on the assurance that the search for suitable accommodation would be continued until concluded to his satisfaction; (b) seeking an order of the Court requiring Mr. Carvery to give possession. As stated in a staff report to Council on November 26, such a step was to be taken only on a "last resort" basis. While preliminary preparations respecting an application for such an order were put in motion, staff chose for the moment to continue to negotiate for an amicable conclusion to the relocation.

"For the record, Mr. Aaron Carvery eventually accepted the amount of approved compensation of \$14,387.76. With the exception of an inoperable truck, all of Mr. Carvery's possessions at Africville (the contents of three buildings) were moved and placed in storage at City expense. The City bought, at a cost of \$13,000, a relatively new six-room dwelling in a very good residential area of the City. This house is leased to Mr. Carvery on the basis of the public housing formula, which in this case is \$20.00 monthly. The City has, in addition, invested hundreds of hours of staff time in an effort to relocate Mr. Carvery amicably and to his satisfaction.

"Complete details of the City's dealings with and on behalf of Mr. Carvery are available to members of Council from the City's files at any time."

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3. Letter dated January 27, 1970 from D.F. Murphy, City Solicitor to His Worship the Mayor and Members of City Council

"January 27, 1970

"His Worship the Mayor Allan O'Brien and Members of City Council,
City Hall,
Halifax, N.S.

"Your Worship and Members of Council:

"It has been interpreted that the offering of a sum of money in arriving at a settlement of an expropriation claim with Aaron Carvery constituted an insult to his dignity and indicated a disrespect for him as a human being. No such insult and no such affront was intended. Quite the opposite situation, in fact, motivated the action. It was at least in part an acknowledgment of his tenacity, his ability to hold out against the machinery of government and the expropriation process that dictated the departure from normal practice in the settlement of an expropriation claim.

"If the meeting at City Hall itself, the conduct of the meeting in any way, the presence of those persons who by circumstance were compelled to be present, or if any other factor surrounding the meeting or the showing of the sum of money was construed by him or anyone on his behalf to be coercive in the derogatory sense, or insulting to him, I do sincerely apologize.

"I did not know Mr. Carvery prior to the meeting except as the remaining Africville resident in our relocation program. At the meeting I admired and respected him as a person and the manner in which he conducted himself; which admiration and respect continues today.

"Yours truly,

(Sgd) Donald F. Murphy
City Solicitor"

4. Letter dated January 27, 1970 from Harold Crowell, Social Planner to His Worship the Mayor and Members of City Council:

"January 27, 1970

"His Worship Mayor Allan O'Brien and Members of City Council,
Halifax, N.S.

"Your Worship and Members of Council:

"I would like to make the following statement in response to the letter that you have received from Mr. H.A.J. Wedderburn, dated January 20, 1970.

"I was present at the meeting referred to, along with Mr. Harry Carter, a member of my staff. I would like to make it clear that we attended this meeting in the capacity of Social Worker and Special Projects Worker for the Africville Follow-up

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"Program and acted in support of the interests of Mr. Carvery. In my opinion, Mr. Carter and myself would have been remiss in our duties if we had not been present at any meeting where negotiations were taking place.

"I feel that the offering of cash to Mr. Carvery as a settlement for his property was an unintended mistake. It was a mistake because I realized that he was offended by the action and considered it an affront to his dignity. I certainly regret any offence Mr. Carvery may have suffered as a result of the meeting but I continue to feel that this was in no way intended.

"Yours truly,
(Sgd) Harold Crowell
Social Planner."

5. Telex message from the National Black Coalition
Received January 28, 1970

"Montreal, Que. January 27
His Worship Mayor Allen O'Brien and City Councillors
City Council, Halifax, N.S.

The National Black Coalition support the stand taken by the N.S.A.A.C.P. regarding the manner in which your employees treated Mr. Carvery STOP The statement by your Manager neither justifies nor vindicates this grossly immoral act and disregard for human dignity STOP Nothing short of a public apology to Mr. Carvery by those involved in this insult will be satisfactory.

"(Sgd) National Black Coalition"

6. His Worship Mayor Allen O'Brien's Statement to the NSAACP
Meeting on January 27, 1970:

"I am a member of NSAACP and proud of it. I am also a part of the City Government and no less proud of that.

"The issue about which Mr. Wedderburn came to see me seems to be one which could seriously divide our City Government, that is yours and mine, from our organization, the NSAACP.

"This need not be. We all make mistakes. My reaction was to call the cash incident with Mr. Carvery "a serious error of judgment". Your letter to the City is not without serious errors of judgment, and indeed fact.

"In the circumstances, I have today consulted Aldermen, staff, Mr. Wedderburn and Mr. Schiff.

"It is clear that we could have a real confrontation. You could tell us about our errors; we could tell you about yours. You

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"could tell us that we were deliberately wrong; we could say the same about you. What would this achieve? We might both be wrong. Or perhaps we're both right from some point of view. Would the facts be clearer? Not likely.

"I now wish to read a statement from Mr. Donald Murphy, the City Solicitor. Mr. Murphy is a man for whom I have the utmost respect. He works hard, and with great good-will and intelligence for the citizens of Halifax, including you and me. His statement follows:

(As quoted above)

"Now I wish to read a statement from Mr. Harold Crowell, our Social Planner. Mr. Crowell is a brilliant man, dedicated to finding ways of helping the poor to achieve livable incomes and a sense of their own worth as members of society. His statement reads:

(As quoted above)

"Finally, your letter was completely off-base with respect to Mr. Langmaid. This is a matter on which an immediate apology would seem to have been in order.

"Having provided this information in addition to the Manager's report, we now face the question: "What do we do about it?"

"During the day, I was able to reach 7 of the 10 Aldermen. They have agreed, subject to your concurrence, to ask the Nova Scotia Human Rights Commission to examine the matters referred to in your letter and to report publicly their independent judgment.

"If the Commission is to examine the issues with the opportunity to exercise objective judgment, then in my view the NSAACP, the BUF, and the City should refrain from further statements which would tend to inflame the situation until their report is completed. I urge this course upon you."

Delegation - Nova Scotia Association for the Advancement of Coloured
People

Mr. H.A.J. Wedderburn addressed the Council

as follows:

"Your Worship and Members of City Council, I am speaking tonight specifically on behalf of The Nova Scotia Association for the Advancement of Coloured People. I am confident that I am expressing also, a view shared by many concerned citizens of Halifax.

"We have read the City Manager's published admission that the Carvery incident did take place, and also Your Worship's public acknowledgment that in your opinion the incident

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"represented an error in judgment. We noted as well the City Manager's failure to name the individual or individuals who conceived and authorized this immoral act.

"The NSAACP accepts the apologies of City Solicitor, Donald F. Murphy, and Social Planner Harold Crowell. Because there can be no justification, however, for such action by experienced men in responsible positions of public trust, we believe that it is incumbent upon this Council to instruct the offending staff members to write an expression of apology to Mr. Carvery, and for this Council to utter a policy statement that it will not in future tolerate repetitions of this kind of practice. Council should also make it public knowledge who conceived this unusual approach of doing civic business, and who authorized the withdrawal of such large sums of tax-payers' money for this purpose.

"Finally, we should like to take this opportunity to extend a public apology to Mr. Langmaid, a Supervisor of Real Estate, for having erroneously associated him with participation in this deeply regrettable situation, and regret the embarrassment that mistaken references to him must have caused."

Delegation - Board of Directors of the Black United Front of
Nova Scotia

Mrs. Carrie Best addressed the Council as follows:

"I am here representing the Black United Front. At a regular meeting of the Board of Directors on Saturday, January 24, a resolution was unanimously passed that a representation from that body present this submission to your Council tonight, and I wish to express first the information that the Board of Directors is composed of persons from all black communities in Nova Scotia, and it was the unanimous decision of the Board that this submission should be for black people throughout the Province, and not only for the City of Halifax, and I was elected to submit it to you.

"The submission concerns Mr. Aaron Carvery and the manner in which negotiations were carried out for the purchase of his property. First, we wish to assure the members of City Council that we have never doubted the ability of the City of Halifax to pay its obligations, so that the procedure whereby money was displayed to Mr. Carvery, to us, is most unusual.

"We note also that Mr. Murphy, the City Solicitor, and Mr. Crowell, the City Planner, who were present at the meeting in question, have issued statements of apology. We wish to emphasize that we deeply deplore and detest

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"the fact that the chief executive of the City, the City Manager, who issued a statement admitting his involvement in the incident, and then later tried to justify it, has not yet seen fit to offer his apology. We demand that Mr. Murphy's and Mr. Crowell's apologies be published in full, along with the apology of the City Manager.

"We wish to point out the fact that Mr. Carvery is a member of an under-privileged class of people, and from a human rights standpoint, to subject a man of 70 years to this humiliation was a basic denial of his human rights: It was inhuman, unkind, and un-Christian. Particularly as a result of his age and blackness, Mr. Carvery has already suffered from social and economic deprivation. This was an insult to the entire ethnic group of which Mr. Carvery is a member. It would cause one to ask about the settlements reached for other Africville properties.

"The City Manager's statement of January 23 was intended to confuse and cloud the issue."

At this point, His Worship the Mayor interrupted Mrs. Best to state that it was the rule of the Chamber not to allow the questioning of the motives of others. He said that to imply that such and such was the intention of the City Manager could not go unchallenged. His Worship the Mayor said he knew the City Manager well enough to know that it was not his intention to confuse and cloud the issue.

Mrs. Best apologized for her statement, but said it expressed the feeling of the group she was representing. She continued her submission as follows:

"We demand that the apology of Mr. Murphy and Mr. Crowell be written into the official records of Council and published in full, along with the apology of the City Manager.

"We also demand that City Council adopt a resolution tonight, accepting the above apologies and regretting the incident, and expressing total disapproval of the use of cash as an inducement to obtain a settlement in negotiations. We wish to be assured that such action is contrary to the policy of the City of Halifax, and will not occur again.

"We demand that the City Manager and other staff members involved, transmit their letters of apology to Mr. Carvery.

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"And finally, that the City Manager be instructed to immediately undertake a training course in sensitivity training in dealing with minority groups and other disadvantaged people - this course should be compulsory for all division chiefs, department heads, in fact, all staff members who deal with the public. Such a course is available from the Human Rights Commission.

"We expect the City of Halifax, the capital of the Province, to set an example to smaller communities of the manner in which municipal affairs are carried on, and I would like very much that the result of this meeting be placed on record so that in other communities where industrial expansion is going on which involves the rights and properties of under-privileged persons, their rights shall not be denied them. We are watching this situation very closely in New Glasgow, where a shopping center is being constructed on property which involves negroes. You say that the City Manager erred in judgment, but it will be of great help for us to be able to point to the City of Halifax and say: This is what was done when a member of the City staff erred in his judgment."

Alderman McGuire stated that in anticipation of tonight's meeting, a number of the Aldermen had met to discuss the matter, the result of which had been the drawing up of a Resolution. The resolution, he added, did not answer in every detail the requests from Mr. Wedderburn and Mrs. Best, but he felt the general intention of the resolution would be clear to them. Furthermore, he said, if members of Council so desired, the motion could be amended. The Resolution, he said, was that Council accept the following statements as its policy in the matter:

1. City Council recognizes the error in judgment of the cash incident, supports its staff in their motivation, and recognizes that the City should have sought a Court Order as the means to secure vacant possession of a City-owned property. In future, a Court Order would be used.
2. The City does not accept the moral judgments or errors of the NSAACP letter, but notwithstanding, endorses the apology to Mr. Carvery which is contained in the letters of Mr. Murphy and Mr. Crowell.
3. The City offered to refer the matter to the Nova Scotia Human Rights Commission. The NSAACP rejected this offer. The City is not prepared to deny the competence of the Human Rights Commission by adding nominees to a Committee to investigate.

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4. The report of Mr. Ward and the statements of Mr. Murphy and Mr. Crowell provide the facts and put the matter in perspective.
5. The City, having acknowledged the error of judgment, having endorsed the apology to Mr. Carvery, and having accepted the City Manager's report on the facts, now with respect to all those involved in the case, considers the matter closed.

Alderman McGuire said that since Mr. Carvery was actually the center of the whole matter, he was willing to amend the motion to include an instruction that Mr. Murphy and Mr. Crowell address their letters of apology to Mr. Carvery.

The City Solicitor rose to say he did not feel such an instruction was necessary on his part, and preferred to see the matter of how his apology would be transmitted to Mr. Carvery, left to his own decision and judgment.

Alderman McGuire thereupon agreed to withdraw such an amendment.

Mr. Crowell asked permission to speak, and stated it appeared to him that he had been cast in a role which he did not like. He said he firmly believed in the goals and objectives of the NSAACP, and in human rights, and it was not part of his code of ethics, or of any social worker, to be part of putting another man down, be such a man old, black, or white. Mr. Crowell stated that he had not been in favour of having cash displayed to Mr. Carvery, and he had apologized to Mr. Carvery on this matter after the meeting, having seen that Mr. Carvery had been made uncomfortable. Mr. Crowell stated he had seen Mr. Carvery since that meeting, and had again personally apologized. He said Mr. Carvery had been asked if he wanted

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a letter of apology from himself or Council, and Mr. Carvery had stated he felt the matter closed and he did not want anything further in the way of an apology. However, Mr. Crowell, said, he was certainly prepared to send Mr. Carvery a written apology if this would right the wrong which had been done. In closing Mr. Crowell said he wished to emphasize that he had attended the meeting under discussion on behalf of, and not against, Mr. Carvery, and he felt it was important to him as a social worker, and an individual, to have this point clarified before the Council and the public.

MOVED by Alderman McGuire, seconded by Alderman Abbott, that the Resolution as submitted be approved. Motion passed unanimously.

REPORT - FINANCE AND EXECUTIVE COMMITTEE

Council considered the report of the Finance and Executive Committee with respect to the following matters:

RESOLUTION - City of Dartmouth - Foundation Program Scales:

MOVED by Alderman Allen, seconded by Alderman Hogan, that, as recommended by the Finance and Executive Committee, City Council ask the School Board for its views on the Resolution from the City of Dartmouth relating to Foundation Program Scales and request the Alderman charged with an area of special interest in "Finance" to propose to the Council meeting an improved formula for the sharing of education costs between the Province of Nova Scotia and the City of Halifax. Motion Passed.

Wedgewood Park - Marlboro Park Water System:

MOVED by Alderman Meagher, seconded by Alderman Connolly, that as recommended by the Finance and Executive Committee: