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THE REGION

Man is first 2001 traffic fatality

Pedestrian struck hiking down U.S. 1 toward Key West

BY LISA RUBIN
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TAVERNIER — A 76-year-old pedestrian was struck and killed by a car while walking along U.S. 1 early Wednesday.

John R. Hayes, of West Boothbay Harbor, Maine, suffered fatal injuries in the accident and was pronounced dead at Marjorie Hospital in Tavernier.

An autopsy is scheduled to determine the exact cause of death, Marjorie spokeswoman Jill Mirandabaker said.

Hayes was reportedly walking to Key West with two other hikers when a 1999 Chevy Astro struck him as he attempted to cross North Sunrise Drive, according to witnesses and the Florida Highway Patrol.

The van's driver, Paula Jean Mahan, 41, of 393 Crane St., Key Largo, was driving northbound when she heard a crashing sound on North Sunrise Drive when the accident occurred.

Charges are pending in the case.

Hayes' death is the first traffic fatality of 2001 in the Keys.



Picnic tables, benches and trash bins for the new Marathon community park stand unused Wednesday at the park site. The \$2 million project, about 50 percent done, is on hold because the general contractor had financial problems. County officials will try to revise the project in a meeting today with the contractor's bonding company.

GOING FOR GREEN IN MARATHON PARK PROJECT IS NO PICNIC

Summer vacation cut by a week

School Board says earlier start may boost academics

BY LISA RUBIN
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PLANTATION KEY — The Monroe County School Board will send more than 4,000 public school students back to classrooms a week earlier than usual this summer in a controversial move intended to bolster academic achievement.

Under a school calendar recommendation approved Wednesday, students at Monroe's 12 elementary, middle and high schools will return for full classes Aug. 13, a week ahead of the usual schedule.

While the change will cut short summer vacation by a week — classes end this school year on June 8 — local educators say future summer vacations will continue to be 10 weeks.

Key schools will close for business a week early next year, on May 31, 2002, allowing for the usual 10-week vacation.

Although students will lose several days of fun in the sun this summer,

Two board members needed persuading to approve the calendar.

education officials contend Monroe's 8,960 pupils stand much to gain from having the books early in August.

School Board Chairman Anne Kelly Cohen says high school students will get the first semester over with before they start winter break, instead of returning to the unshowered burdens of finals after the holidays.

Elementary and middle school students also will benefit from more classroom time earlier in the school year to prepare for the Florida Comprehensive Assessment Test in March.

While the calendar proposal has drawn fire from many parents, teachers and students, the plan — in the weeks for nearly three years — was not opposed by all. A teacher and four students from Marathon High School praised the calendar recommendation at Wednesday's School Board meeting at Plantation Key School.

"The fact that they gave up studying time to come and talk to us when they were in the middle of preparing for exams said a lot," Cohen said.

"They felt it was very difficult to come back from a two-week vacation, so they just did and cracked the books and crum for tests."

Despite the students' comments, School Board members Andy Griffiths and Pat Labrada needed some persuading before voting in favor of the calendar change. The two at first voted against the measure, creating a tie with opposing votes from board members Cohen and Debra Walker. Board member Helen Quinn recently gave birth and was absent from the meeting.

Following the first vote, Schools Superintendent Michael Lashin opened an discussion about the calendar proposal in an effort to resolve concerns raised by Griffiths and Labrada. The board then voted a second time and passed the calendar measure unanimously.

"Personally, I'd rather work around the calendar change if it helps the kids with their studies," said Big Pine Key real estate agent Patti Nickless, whose son Hunter is a fifth-grader at Sagerhol Elementary Middle School.

"When the kids go on vacation for two weeks during Christmas, they forget about everything, so I do think this is good."

Homestead airport ruling looks firm

BY MARK SILVA
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Although the developers who envision a commercial airport at the former Homestead Air Force Base are politically well-connected in both parties, Washington insiders say it's unlikely the U.S. Air Force will reverse its ruling against the airport — even under a new presidential administration.

President-elect George W. Bush has not stated a position on the issue. His brother, Florida Gov. Jeb Bush, is taking a wait-and-see approach to the air force ruling. And the commercial airport's opponents include influential Republican senators.

The Air Force's ruling Wednesday rejected a proposal by Homestead Air Base Developers Inc. (HABDI) for a commercial airport with more than 600 flights a day. The Air Force said it would remain the airfield portion of the property, and it restricted development of 77 acres it plans to turn over to Miami-Dade County to a "mixed use" project.

"Obviously the decision was a

surprise — because I thought it would be an either-or option," Jeb Bush said Wednesday. "But (President Clinton) kind of created a third way. So we're looking at the consequences of that and seeing what the local community is going to do."

"I've not been asked to do anything," the governor said. "But should there be an outcry against this, then as governor of the state I might look to Washington to deal with it. But right now, I have no intention of doing that."

The Homestead decision was one of several environmental rulings by the Clinton administration in its waning days. President-elect Bush has said they will be reviewed when he takes office.

"Any changes or amendments we make in those would be announced after the president-elect is sworn in," Tucker Eskew, a spokesman for the president-elect, said Wednesday.

Ranone Basco, a Miami attorney for HABDI, said. "The president-elect has indicated he will review a number of decisions. ... and this to me is clearly a political decision."

Yet Rasco says he has not

approached the Bush transition team, focusing for now on a lawsuit to overturn the ruling.

If Jeb Bush doesn't oppose the Air Force decision, one longtime Bush associate says, the new president will be hard-pressed to change the ruling.

"Absent (Jeb Bush's) strong support for reversing it, I don't think the administration would go near it," this Bush associate said Wednesday.

At an Everglades Coalition meeting this month, Jeb Bush called it a decision for the Clinton administration.

"Everything we heard led us to believe that not only did Clinton want to make the decision, but that the Bush administration wanted Clinton to make it," said Alan Frago of the Everglades Defense Council, among a handful of activists who met with Air Force officials in Washington just weeks before the ruling.

Kevin Collins, director of park restoration and care for the National Parks Conservation Association, said. "This is clearly a controversial issue. ... A president who has been elected by

thinness of the margins — he doesn't need any more controversy than he's already got."

For one thing, it's not clear how much support Bush would get from Republicans in Congress. The airport debate hasn't riled along class party lines. Florida Sen. Bob Graham, a Democrat, was one of its most vocal initial supporters on Capitol Hill.

Aid Sen. George Voinovich, an Ohio Republican, has been its most ardent opponent, pressing for a "Sense of the Congress" resolution against the airport in the Everglades restoration act.

Florida's two senators — both Democrats now — support the Air Force ruling.

"I've not heard from anybody on the legislative side that there would be any opposition, or major effort to overturn that," said Dan McLaughlin, spokesman for newly elected Sen. Bill Nelson, D-Fla., who opposed the development of an airport.

"I said I would support whatever the recommendation of the Air Force concludes," Graham said Wednesday.

Herald Capital Bureau chief Steve Bousquet contributed to this report.

YOUNG AT ART



The group Key Kids is rehearsing a musical production of Mark Twain's 'Tom Sawyer' at the San Carlos Institute. The play will run Jan. 29-28.

Keys man's life sentence annulled, retrial ordered

BY WANDA J. DOMAZZO
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A key West man serving a life sentence for second-degree felony murder, armed burglary and attempted armed robbery is getting a new trial.

The Fourth District Court of Appeals in West Palm Beach reversed the 1998 conviction of Henry Blanco Avila, 26, of Key West on Wednesday.

Avila, 26 at the time, was arrested near his Key West home Dec. 5, 1996. Police said Avila and Marco Claudio, of Key West, forced their way into Dismar Dominguez's house in Pen-

nsula and demanded money Nov. 30, 1996.

Chavez, 26, was fatally shot in the garage by Dominguez, and Avila fled in a black pickup truck, police said.

At his trial, Avila presented witnesses who testified that he was in Key West the day the home invasion took place. The jury asked to review the statements presented by Avila's witnesses. The court said, "we have no transcripts to submit back to you as this paper."

The jury found Avila guilty. The Fourth District Court of Appeals ruled that because the jury could have acquitted Avila had it believed the testimony it wanted to review, the appeals court could not find the trial court's instructions did not contribute to his conviction.