

Central Avenue Liquors trying to stay in Cooper-Young

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Rose Finley repeatedly said it: "This is a family business!" The frustration in her voice overwhelmed the words themselves. It was like a child finally encountering evidence that bad things do happen to good people, counter to all those lessons adults have lied about.

Finley's repetition was more for herself than for anyone listening. The strong family element to Central Avenue Liquors was apparent without her words. The small woman stood behind the counter with three generations of kin. Her daughter, Sharon Gowen, occasionally rang up customers at the cash register, the random few who wandered in for an after work bottle on their way home. Rose's husband, Charles, worked at a separate desk. Sharon's son Hayden wandered throughout the store, turning empty wine boxes into toys so there was something for him to do. Even Josie, the content chocolate lab, lounged with her people on the other side of the counter.

The presence of so much family was attributable, in part, to necessity. They've had to let go of most unrelated employees over the past few months.

When the Finleys' lease expired, their landlord, Charles Ryan, informed them he would not be renewing it. He intended to pursue another commercial development on the property. They saw this as an opportunity for a modest expansion and took out a lease on a property just down the avenue, at 2238 Central, a building daughter Sharon had recently purchased. The Finleys put some cash and many man hours into reforming the abandoned structure. They had intentions of moving in some additional shelving and increasing their selection to fill the larger space.

That's when the alcohol commission, and a law that goes back farther than most can remember, happened to these good people. Initially, when Charles inquired of the city permits office what steps they would have to take to move their store, he was told his liquor and wine permit would move with the store. "No problem" was the assumption the Finleys were working under until someone took some measurements for the city.

Central Avenue Liquors freshly renovated location falls within 1500 feet of Fairview Middle School. City ordinance section 4-5 reads: "A liquor store must be 1500 feet from a church, school, park, playground, library, or another liquor store" in a straight line measurement. Their existing location, less than two blocks past the new spot, also fell inside 1500 feet. But it was given a pass due a grandfather clause. Central Avenue Liquors was first issued a liquor license in 1939, well before the 1500 foot rule was put on the books. Unfortunately for the Finleys, this particular exception applies only to the old location. Any attempts to move the store within that protective middle school halo will force the expiration of any special treatment the Finleys previously enjoyed.

Charles Finley did not consider the shakiness of a license that had been stable throughout his family's ownership of the shop. When the permits office treated the issue with similar nonchalance in response to his inquiry, he saw no cause to look deeper into the issue. Charles did not recognize American society's ever-growing paranoia about the perceived negative effects of its own vices. Nor did his supportive family find enough cause for concern to raise a red flag.

This naivety has been costly for the Finley family business, so costly that it may devastate it completely. Paying on two leases has drained their ability to keep inventory. This reduced selection has pushed their more selective customers into the alcohol-laden aisles of well-stocked competitors. Reduced sales have further limited their ability to offer variety, and the snowball grows. Charles estimates his losses since the first rejection of the transfer of license at somewhere around \$60,000 to \$70,000. That kind of scratch could buy a lot of exclusive drink for niche customers.

Bad things do happen to good people. Or naive people.

Roane Waring prefers to see them as good people. As an attorney for the city of Memphis, he sits on the other side of the issue. Still, he takes no delight in harming the Finleys' family enterprise. He repeatedly stresses that they are good people, but he doesn't see any wiggle room in the law. They simply did not meet the requirements. There is little more the Alcohol Commission can do in the case. The typical procedure is that the city Alcohol Commission makes a recommendation to the mayor, who then goes to the state with that recommendation. The state usually will accept the decision of the mayor. Waring acknowledges that the commission will take into account the wishes of the community, but the regulations need to be acknowledged. While the measurements in the law are inarguably clear, the intent is easily questionable. Waring believes that the law was likely meant to discourage the mingling of undesirable elements with children and churchgoers.

The law as it is written does not take into account Central Avenue Liquors' strict no loitering policy, nor its refusal to sell to anyone already intoxicated, nor its policy of frequent identification checks. Still, there is the perception that a store that sells wine and liquor will somehow negatively impact the school two blocks away.

Meanwhile, the Kwik Shop legally offers a wide variety of beers, in individual sizes from 12 to 40 ounces; all sorts of tobacco products; and some colorful glass pipes. All these items can be purchased just across the intersection from Fairview. Any fear that these products might attract an undesirable element into the school's reach has not yet been codified into Memphis city law. The existing laws also see no issue with venues that deliberately encourage loitering.

The outdoor seating of the Young Avenue Deli and Café Olé provide a seat close enough to interact with the uniformed school children of Peabody Elementary. The relaxed mid-afternoon patrons enjoy refreshing margaritas or cold craft brews, working their way to a free T-shirt, in full view of the little tikes. Another recent law passed to address the perceived sins of an adult population has pushed the smokers of both establishments out to sidewalk tables. But, in order to protect the children, bar customers must walk 1500 feet from the front entrance of Peabody to purchase a take home bottle of wine.

When presented with this apparent hypocrisy, Waring simply points out that every situation is different. When asked for evidence of the effectiveness behind the 1500-foot rule, Waring admits he is "not aware of any empirical studies."

Given the position of Peabody Elementary, Fairview Middle, Peabody Park, and five separate churches, the only option Cooper-Young has for a local liquor and wine store is an exception to the 1500-foot rule. People in walking communities want to stroll to church, send their children to a school around the corner, take a safe and legal stumble home after a few pints, wander over to the park, and still walk to a liquor store for a bottle of wine to go with dinner.

So what options do the Finleys have left? Waring is empathetic, but admits: "I really don't know. They may have some recourse before the city council."

The Finleys have begun a petition to demonstrate community support. It rests on their counter, near the cash register. Without pursuing people outside the store, they have accumulated 1180 signatures at press time. Charles Finley is hoping that a persuasive argument and supportive neighbors will convince the Commission to issue a recommendation in his favor.

If that doesn't work, a lot of us might be driving to Madison or Highland for a nice inexpensive cabernet.

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