



CITY OF FORT LAUDERDALE
City Commission Agenda Memo
REGULAR MEETING

#25-1168

TO: Honorable Mayor & Members of the
Fort Lauderdale City Commission

FROM: D'Wayne M. Spence, Deputy City Attorney

DATE: December 16, 2025

TITLE: Motion Approving Settlement Agreement and Release between the City of Fort Lauderdale and Selina Metlow and Gary Miller, in Case No. 25-62013-CIV-DAMIAN/Valle, in the United States District Court, Southern District of Florida - **(Commission Districts 1, 2, 3 and 4)**

Recommendation

The Deputy City Attorney recommends that the City Commission approve a Settlement Agreement and Release between the City of Fort Lauderdale, Florida ("Defendant") and Selina Metlow and Gary Miller ("Plaintiffs"), in Case No. 25-62013-CIV-DAMIAN/Valle, in the United States District Court, Southern District of Florida.

Background

Selina Metlow and Gary Miller are seeking declaratory judgment and injunctive relief in relation to their ability to engage in fortunetelling, psychic reading, and other related forms of divination, spiritual consultation, and advice in the City of Fort Lauderdale.

Fortune telling and psychic reading are not permitted uses in the B-1 zoning district but are permitted in the B-2 and B-3 zoning districts. In 2005, Selina Metlow and Gary Miller filed suit against the City of Fort Lauderdale for the denial of the issuance of occupation licenses to conduct business as fortunetellers in the B-1 zoning district. During the pendency of the Metlow-Miller lawsuit, the City cited Victoria Eli and Rosie Marks for conducting fortunetelling without an occupational license at 1130 South Federal Highway, which is also located in the B-1 zoning district. In 2006, the City Commission settled both disputes by permitting these individuals to operate as fortunetellers at these locations as ancillary uses to the principal retail bookstore use with the understanding that staff would strengthen the enforceability of the ordinance by amending it to comport with legally defensible findings.

The settlements are case and location specific and do not extend to successive business tax applicants, to other locations or zoning districts. The City's zoning ordinance has not been declared invalid by any court and therefore remains applicable and enforceable; however, as the prior settlements indicate, enforcement of these ordinances is problematic. At its conference meeting of November 18, 202~~5~~⁸, the City Commission

authorized the City Attorney's office to propose an amendment to the existing settlement to allow Selina Metlow and Gary Miller to relocate their business to 1263 East Las Olas Boulevard, Suite #203, Fort Lauderdale, Florida 33301 (City Commission District 4) under the same terms and conditions of their existing settlement agreement. The attached Settlement Agreement and Release facilitates the amendment and resolution of the litigation.

Resource Impact

There is no fiscal impact associated with this item.

Attachment

Exhibit 1 – Settlement Agreement and Release

Prepared by: D'Wayne M. Spence, Deputy City Attorney

Charter Officer: Shari L. McCartney, City Attorney