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**MACON COUNTY BOARD OF COMMISSIONERS  
AUGUST 11, 2026  
REGULAR MEETING MINUTES**

Chairman Young called the meeting to order at 6:00 p.m. All Board Members, County Manager Warren Cabe, Deputy Clerk Tammy Keezer, Finance Director Lindsay Leopard, and County Attorney Eric Ridenour were present, as were several county employees, media, and citizens.

**ANNOUNCEMENTS:**

Manager Cabe shared that construction had kicked off on the boardwalk at Arthur Drake Road, making that parking lot pretty much inaccessible. A temporary parking lot off Depot Street Extension at the corner of Iotla Street was set up in the meantime, with the project expected to wrap up within several weeks.

Commissioner Breeden took a moment to tip his hat to the Macon County Sheriff's Department following a string of thefts, including two of his own side-by-sides stolen from his store. He noted that officers recovered over \$100,000 worth of stolen goods and put the suspects behind bars. He personally thanked Taylor Carlton of the Franklin Police Department, along with deputies Joe Lynch, Ethan Ramsey, Sean McCall, Brandon Carter, Will Watson, Justin Riles, Daniel Long, Hunter Jameson, Cody Howard, David Loughry, and Grayson Hall by name.

Commissioner Antoine and Commissioner Shields offered brief welcomes to those in attendance. Commissioner Shearl echoed their welcome and thanked the public for showing up and making their voices heard to their local government.

**MOMENT OF SILENCE:** Chairman Young requested all in attendance rise and a moment of silence was observed.

**PLEDGE OF ALLEGIANCE:** Led by Commissioner Shields, the pledge to the flag was recited.

**PUBLIC HEARING(S):**

**To Consider Amendment of Chapter 157 of the Macon County Code of Ordinances to Include Updated Definitions of Server-Based Facilities**

Chairman Young opened the public hearing at 6:04 p.m., noting approximately fourteen speakers signed up to address the proposed ordinance changes. The hearing focused on data centers, cryptocurrency mining facilities, and server-based facilities.

**Carol Light** opened by expressing strong concern about water and power impacts. She noted that a large server facility can consume thousands of gallons of water daily for cooling, and warned that North Carolina generally does not require industrial water withdrawal permits for most of the state — making the county ordinance "the only thing standing between these facilities and our water supply." She asked the Board to require closed-loop cooling systems, prohibit new well or surface water withdrawals for these uses, and demand written proof from water utilities before any permit is issued. She also raised alarm about lithium-ion battery banks, calling them a classified federal hazardous material capable of thermal runaway that firefighters "cannot extinguish with water," and requested advance notice to fire departments before any battery shipments and a fire response plan developed locally — with all costs paid by developers, not

taxpayers. **Mase Lucas** of Scaly Mountain urged a moratorium be passed tonight while the Board strengthens the ordinance. He also asked the Board to add low-frequency (dBC) noise limits alongside dBA standards, with noise testing funded by operators before any facility opens. **Denise Mullins** spoke about air quality, referencing documented medical reports linking data center diesel generators to asthma-related health impacts and deaths, and called for replacing diesel backup generators with battery alternatives. **Betsy Baste** raised concern about a Planning Board member and asked the Board to take a hard look at who sits on the Planning Board and what they might stand to gain. **Lisa Walker** reported that her research led her to conclude that "limiting data center operations to certain hours is legally vulnerable and the least defensible way to do it." She asked the Board to consider a moratorium while working with the towns of Highlands and Franklin to develop tighter, legally grounded rules. **Constance Neely** of Scaly Mountain noted that no data center application had yet been filed in Macon County, calling that "our strongest legal position." She urged the Board to adopt a moratorium immediately, noting that more than twenty counties across North Carolina had already paused new applications. She also warned that the ordinance language needs to cover future technologies, pointing to a Cherokee County facility that converted from crypto to AI to escape a local ban. **Lorraine Ross** of Franklin advocated for a moratorium and the establishment of a data center task force or committee. She pointed out that the current ordinance definition doesn't adequately account for small data centers — such as those operated by hospitals or schools at two megawatts or under — and said the county should look at how neighboring counties are handling those exemptions. **Amy Patterson** addressed the specific ordinance language. **Amy Medlock** expressed gratitude for the Board's attention to the issue and noted that "it's been really nice to see people from different backgrounds and different beliefs and political leanings come together to protect our town and our county." **Sarah Johnson** said she was speaking against hyperscale data centers specifically — facilities spanning acres and consuming five million or more gallons of water. She raised concerns about food insecurity (noting that twenty percent of Macon County residents are food insecure), rising power bills, loss of farmland, and health impacts from air and noise pollution. **Heather Johnson** thanked the county for taking the issue seriously and urged proactive changes before it's too late. **Mary Ann Ingram** raised a concern that a data center could potentially purchase water from private individuals who are permitted to extract large volumes from local sources, effectively circumventing any ordinance that focuses on direct withdrawals. She urged the Board to think broadly about all the ways a company might work around the rules. **Katie Horn** presented data on health risks, including that U.S. data centers could contribute to approximately 1,300 premature deaths annually by 2030 from fossil fuel emissions, and that chronic noise exposure from HVAC systems and diesel generators can cause tinnitus, sleep disturbances, cardiovascular disorders, and cognitive impairment. **Chuck Watson** shared that he'd done his homework since last month's meeting. He focused on water consumption, noting that evaporative cooling at data centers uses millions of gallons of water — most of it during warmer months — and called Macon County "a pretty unlikely place" for that kind of operation given the county's limited water resources. **Cody Harper** told the Board, "We do not have the water for it, or else we will see the Little Tennessee River turning into the Little Tennessee Basin."

Chairman Young closed the public hearing at 6:42 p.m. and invited David Culpepper, Chairman of the Macon County Planning Board, to speak on the Planning Board's process.

Mr. Culpepper explained that the Board had sent the ordinance down to the Planning Board with some edits to address legal vulnerabilities in the definitions. The Planning Board reviewed those changes, found them to be a sound improvement, and recommended the Board adopt the amendments — while acknowledging that any additional steps, including a moratorium, were entirely the commissioners' call. Attorney Ridenour then addressed the question of moratoriums directly. He stated that while moratoriums sound appealing as a layer of protection, they are "actually easily attacked" when a well-funded opponent challenges them. Under NCGS 160D-107(d), a moratorium must include specific findings: the problem necessitating it, alternatives considered, what approvals are halted, how the moratorium will address the problem, and a

termination work plan. He said he'd looked at several moratoriums enacted by other Western North Carolina counties and was not confident they had fully complied with the statute — meaning they could be overturned if challenged, leaving those counties with neither an ordinance nor a moratorium. His advice was clear: "Let's adopt what we've got. We're free to revise it anytime in the future." He argued that a well-crafted, restrictive ordinance is a stronger legal position than a potentially defective moratorium. Commissioner Shearl asked whether a moratorium on top of the adopted ordinance would add protection. Attorney Ridenour said he hadn't fully researched that combination, but offered to look into it and report back before any future moratorium hearing. He also noted that a moratorium of sixty days or less could be enacted more quickly, while longer moratoriums require full notice and hearing procedures.

Commissioner Shearl observed that given the 750-foot setback requirement, limited water and sewer availability, and the fact that both the towns of Highlands and Franklin already had moratoriums in place, the practical landscape for data centers in Macon County was already very difficult. He said he hated technology "with a passion" but moved to adopt the ordinance changes as presented. Commissioner Antoine voiced that he shared the sentiment against data centers but wanted to make sure the Board was choosing the best legal path forward, noting it might "take a little bit of time to get through." He was supportive of the moratorium conversation continuing at a future meeting.

Motion to adopt the amendment of Chapter 157 of the Macon County Code of Ordinances with the updated definitions of server-based facilities was made by Commissioner Shearl and seconded by Commissioner Breeden. Motion passed unanimously.

**ADDITIONS TO THE AGENDA:** Commissioner Shearl requested to add two items: Item 10B under Old Business for further discussion on a data center moratorium, and Item 11D under New Business for discussion of mass surveillance systems in Macon County.

**PUBLIC COMMENT PERIOD:** **Kelly Curtis** spoke about representation and the commissioner election structure, noting that some communities feel their voices are diluted under the current at-large and district system. She advocated for five equal districts with roughly twenty percent of the population each so every community has a direct representative. She suggested the Board consider forming a committee to research solutions and hear public input from residents who feel disenfranchised. **Bob Cook** raised concerns about what he described as a pattern of lacking transparency from the Sheriff's Office, referencing issues with public records requests, the criminal interdiction team, and the Flock camera policy timeline. He cited North Carolina statute Article 3D, which requires a written policy governing automatic license plate reader use to be in place before the system is operational, and noted that a violation constitutes a Class 1 misdemeanor — carrying up to 120 days in jail. **Patty Trick** spoke about library book selection practices and asked the Board whether librarians could be empowered to draw from more diverse selection lists as they plan the new library. **Heather Johnson** asked the Board to establish clear and transparent criteria for vetting appointments to county boards and commissions, referencing the issues seen at the last commissioner meeting and the Planning Board. She said people with good track records who know and care about the community should be serving on these boards. **John Kotab** raised a concern about MAC address harvesting from electronic devices passing by camera infrastructure, even with cameras covered, and argued that the poles themselves should come down as a show of follow-through. He also urged the Board to take the issue to the state level, noting many counties are fighting the same battle. **Cody Harper** tied his earlier water level observations to the data center issue, urging the Board that any facilities allowed must be small-scale and use self-contained cooling systems.

#### **ADJUSTMENTS TO AND APPROVAL OF THE AGENDA**

Motion to approve the agenda as amended was made by Commissioner Shearl and seconded by Commissioner Shields. Motion passed unanimously.

## **REPORTS/PRESENTATIONS:**

**GFOA's Certificate of Achievement for Excellence in Financial Reporting for FY 2025** - Manager Cabe recognized Finance Officer Lindsay Leopard and the Macon County Finance Office for receiving the Government Finance Officers Association's Certificate of Achievement for Excellence in Financial Reporting for fiscal year 2025. He noted the department had been through significant change and that the recognition speaks to the continued integrity, transparency, and excellence of that office.

**Presentation of Proposed Schedule of Values and Schedule Public Hearing** - Tax Administrator Abby Braswell presented the proposed Schedule of Values, Standards, and Rules for real property and present-use value property. She noted that the schedules would be posted physically at the tax and mapping offices and electronically on the county and public notices websites. A public hearing will be scheduled for the next meeting to allow questions, with a vote on the schedules planned for the October meeting. Once approved, the schedules must be advertised for four consecutive weeks before taking effect.

## **OLD BUSINESS:**

**Carson Convenience Center Design Presentation** - Manager Cabe walked the Board through the proposed design for the new Carson Convenience Center. The facility is located along Highway 64 near the old Cartoogechaye School site and is designed to be a model for recycling efficiency. The layout features a two-lane entrance with four dedicated recycling spots pulling to the right, so folks doing recycling can take their time without blocking household trash traffic. The solid waste area includes three container spots — two operational at all times, with the third allowing trucks to swap out cans without stopping the flow of traffic.

He then showed an overlay of the remaining eight acres of the property, noting the site sits directly across the creek from Parker Meadows. While the soil isn't ideal for major construction given proximity to wetlands, Manager Cabe showed how a multi-use recreational field could potentially be placed there in the future — particularly given growing pressure on Cullasaja Park from flag football leagues and other youth sports programs.

On timeline, Manager Cabe stated the project is ready to go out to bid, with a goal of a January 1 completion date, contingent on clearing final federal approval hurdles related to the grant funding received last April and getting paving done before asphalt plants close in mid-October.

Commissioner Shearl raised the long-standing need for a soccer field in Highlands, expressing that before the county invests further in additional recreational fields near Franklin, he wants to see concrete plans moving forward for Zachary Park in Highlands — including a regulation-size track. Chairman Young acknowledged that concern but cautioned that if a school is someday planned for the Highlands site, putting a turf soccer field on the best part of that property might get the cart before the horse. He suggested a comprehensive site study with contours and real elevations first.

Commissioner Breeden noted he believed the school system is already working with a firm on Zachary Park options, including a soccer-only field and a soccer-plus-track option. Manager Cabe said an RFQ could be issued for a firm to evaluate Zachary Park whenever the Board is ready.

Commissioner Antoine emphasized the growing soccer program in Franklin and the real need for additional field space for youth, calling the convenience center site overlay "a wonderful site plan."

The Board reached consensus to proceed with bidding the convenience center, with an option to price the recreational field as an add-alternate, leaving the remaining space as green space for now.

**Further Discussion on a Data Center Moratorium** - Commissioner Shearl raised the question of whether a moratorium could provide an additional layer of protection for citizens on top of the ordinance just adopted. Attorney Ridenour reiterated his earlier caution, noting that he had reviewed the statute carefully and found that moratoriums other counties had imposed appeared not to fully comply with the specific findings required under NCGS 160D-107(d). He stated flatly, "I don't see how they've complied with the statute. I think they're hung out to dry right now if attacked." He offered to continue researching the question — specifically whether a moratorium layered on top of the adopted ordinance would strengthen or weaken the county's legal position — and report back.

The Board agreed to place the data center moratorium discussion on the September agenda, allowing Attorney Ridenour time to complete his research.

## **NEW BUSINESS:**

**Juvenile Crime Prevention Council (JCPC)** - Lorraine Williams, Area Consultant with the NC Department of Public Safety's Division of Juvenile Justice, presented the JCPC's fiscal year 2026–2027 certification and annual plan. She explained that the JCPC's role is to assess the risk and needs of juveniles coming through the juvenile justice system and to monitor funded programs. The county is in year two of a two-year funding cycle approved under changes to General Statute 143B. She noted there are currently two vacant commissioner-appointee seats on the board out of seven that the Board can fill, and encouraged the commissioners to help recruit dedicated members, as quorum has historically been a challenge.

Commissioner Shearl noted that of the six meetings listed in the certification, a quorum had been achieved only once, and asked who was making decisions without a quorum. Ms. Williams acknowledged the challenge and said the JCPC is actively working to improve attendance, and she welcomed the Board's help in recruiting members. Ms. Leopard flagged that the programs funded through the JCPC would not receive their July or August payments until the annual plan was approved — making timely action important. Commissioner Breeden suggested advertising the vacant JCPC seats through the county's standard board application process for next month's meeting.

Motion to approve the JCPC Fiscal Year 2026–2027 Annual Plan and Certification was made by Commissioner Breeden and seconded by Commissioner Antoine. Motion passed unanimously.

**Outside Agency Funding Requests** – Manager Cabe asked the Board for direction on how to handle an increasing number of funding requests from nonprofits and outside agencies. He asked whether the Board wanted requests handled on a first-come, first-served basis; batched quarterly; or deferred to a set point in the budget cycle. Commissioner Shields made the case for reviving something like the old community funding pool — noting that county-level support is often a critical component for nonprofits in grant applications. He cited Kids Place as an example, estimating that if the organization had to shut down, the county would have to pick up roughly \$250,000 in services itself. He also praised the work of the Smoky Mountain Pregnancy Center's "Bringing Daddy Home" program. Commissioner Shearl offered a strong opposing view, arguing that it is "not our role as an elected body...to decide to give [taxpayer money] away to non-government organizations." He said he personally donates to organizations like Kids Place and the pregnancy center, but believes nonprofits that are truly vital to a community should be able to sustain themselves through community donations. He pointed to Mountain Findings in Highlands — a fully volunteer-run thrift organization that donates hundreds of thousands of dollars annually to local nonprofits without any government support — as a model. Commissioner Antoine said he sees both sides, but ultimately feels it comes down to whether the community is behind these organizations. He noted that the county has funded these programs for years and they've clearly been a benefit, but emphasized that it's ultimately the people's money. Commissioner Breeden said he supports continuing the practice, though acknowledged a formal system with clear criteria needs to be in place to manage the volume of requests that will inevitably come in — from Little League teams to scouts to nonprofits. Town of Highlands Commissioner Amy Patterson (speaking from the audience at Commissioner Shields'

invitation) noted that Highlands eventually discontinued its outside agency funding program after it became unmanageable — especially when they moved to a bricks-and-mortar-only policy to avoid annual operating expense requests, and still couldn't say no to everyone fairly.

The Board did not take a formal vote. Chairman Young asked Manager Cabe and Attorney Ridenour to consult on the legality and a framework for potential criteria, and to report back at a future meeting.

**Consideration to Declare County-Owned Property Surplus and Advertise for Public Bid** - Manager Cabe presented seven parcels in the Watauga Vista subdivision — all tax foreclosures — that staff recommended declaring surplus. The parcels range in assessed value from approximately \$1,500 to \$14,600 each, with most being small lots around 0.3 to 0.4 of an acre. He noted they serve no county purpose and are currently off the tax rolls.

Motion to declare all seven Watauga Vista parcels as surplus county property and advertise for public bid was made by Commissioner Shearl and seconded by Commissioner Antoine. Motion passed 5-0.

**Discussion of Mass Surveillance Systems in Macon County** - Commissioner Shearl led a discussion on third-party mass surveillance technology, specifically the Flock Safety license plate reader system. He stated the issue has "really consumed" him over the past two months and shared that he had been in contact with counties across multiple states. He argued that law-abiding citizens should not be tracked every time they go out on the street, and called on the Board to consider banning all third-party surveillance systems from county-owned properties and vehicles. He cited Oconee County as an example of a jurisdiction that has banned such systems and is even considering tying municipal funding to compliance. Sheriff Holbrooks was present and participated in the discussion, acknowledging the practical investigative value of camera systems — noting that when the Highlands Road Flock camera was still operational, stolen property might have been recovered sooner — but affirming he would research whether alternative, less-invasive systems exist to meet the department's legitimate law enforcement needs. He also noted that the Fourth Circuit Court of Appeals is expected to issue a ruling on the constitutionality of these systems before the end of the year. Commissioner Breeden reminded the Board that it had already voted the cameras out and asked what more there was to decide. He cautioned against overreach into areas — like private property or state right-of-way's — where the Board has no authority, and expressed concern about "putting out a lot of fear propaganda." He also raised a practical question about body cameras, noting that a federal mandate may exist requiring their use. Attorney Ridenour clarified that the Board's authority in this area is essentially limited to policies governing county-financed cameras on county-owned property, noting that the county has no right-of-way and cannot prevent the state, DOT, or private citizens from installing cameras on their own property. Manager Cabe added that any policy would need careful wording to avoid inadvertently covering security cameras on county buildings or in-car cameras on sheriff's vehicles. Commissioner Antoine said the Board's position is clear and that current commissioners won't be approving any similar systems. Chairman Young framed the budget process as the most practical check — if the sheriff requests funding for such systems, the Board controls the purse strings.

The Board did not take formal action but reached consensus that the county's current position — no flock cameras — stands, and directed Attorney Ridenour to look into what formal policy authority the Board has over county-financed surveillance systems going forward.

**CONSENT AGENDA:** The consent agenda included minutes of the July 11, 2026, regular meeting, budget amendments #20-29, Grant Project Ordinance – 2027 Urgent Repair Program, Community Advisory Board Annual Report 9 No action necessary), Fireworks Permit – Town of Franklin, Nantahala Community Development Club Lease Extension, Economic Development Commission Updated Bylaws, Macon County Transit Updated Drug and Alcohol Policy, Tax releases for the month of July 2026 in the amount of \$1,061.95, and Monthly ad valorem tax collection report – no action necessary.

Motion to approve the consent agenda was made by Commissioner Breeden and seconded by Commissioner Antoine. Motion passed 5-0.

**APPOINTMENTS:**

**CHSA Board (2 seats)** - Manager Cabe explained that two seats on the CHSA Board — held by Matt Corbin (Dentist position) and Garrett Higdon (Engineer position) — were coming up for reappointment following the health department consolidation earlier in the year. He recommended reappointing both individuals, consistent with the Board's earlier decision to keep them in place through the first term of the new consolidated agency.

Motion to reappoint Matt Corbin and Garrett Higdon to the CHSA Board was made by Commissioner Breeden and seconded by Commissioner Shields. Motion passed 5-0.

**CLOSED SESSION:** No closed session was requested.

**ADJOURN:** With no other business, at 8:37 p.m., upon a motion from Commissioner Breeden, seconded by Commissioner Antoine, the board voted unanimously to adjourn.



Warren Cabe  
Ex Officio Clerk to the Board

  
Josh Young  
Board Chair