TOWN OF Herndon VIRGINIA

Town Council Regular Meeting
Agenda Item 5.a.

Agenda Item: **Ordinance 25-O-19 to approve and authorize the mayor to sign a Third Amendment to Franchise Agreement between the Town of Herndon and Cavalier Telephone, LLC, to extend the term for an additional ten (10) years, update notice information, and add a 30-day notice requirement for any assignment of the franchise**

Meeting Date: October 28, 2025

Category: Public Hearings

Prepared by: Tammy Chastain, Acting Director of Public Works - Operations, Lesa Yeatts, Town Attorney

Description:
This is a request to adopt an Ordinance to authorize a third amendment to the Franchise Agreement for maintenance of the existing underground telecommunication facilities.

Background:
The original telecommunication franchise agreement between the town and Cavalier Telephone is dated February 15, 2005, and permitted the installation and maintenance of 16,526.4 feet of conduit. A First Amendment was granted for an additional 10-year term beginning on February 15, 2015. A Second Amendment was granted on February 27, 2018 permitting the installation of an additional 400 feet of conduit.

This proposed Third Amendment will permit an extension of term for an additional ten (10) years, effective February 15, 2025, for maintenance of the existing underground telecommunication facilities. The proposed amendment will also update the Town of Herndon and Cavalier Telephone's notification information as well as add a 30-day notice requirement for any assignment of the franchise to another.

Timing Impact:
The current franchise expired on February 15, 2025. This proposed Third Amendment will retroactively extend the term for an additional ten (10) years beginning on February 15, 2025.

Strategic Focus Area:
Good Governance
Secure and Interconnected Community

Fiscal Impact:
Telecommunication franchises file and pay right-of-way (ROW) use fees to the town. The ROW use fee is governed by the Code of Virginia and determined annually by the Virginia Department of Transportation. At this time, while Cavalier Telephone, LLC quarterly files their ROW fees, they have no customers currently using the lines in Herndon and the ROW filings are $0.00 and are predicted to remain that way through 2025.

Legal Impact:
Virginia State Code requires town council action for all lease and franchise agreements on town property.

Staff Recommendation/Next Steps:
Staff recommends approval of the Ordinance as proposed.

Attachments:
1. Ordinance (Proposed)
2. Cavalier - Signed 3rd Amendment
3. Cavalier Franchise, TC, 2X Ad