



PERIMETER FENCE COMMITTEE FREQUENTLY ASKED QUESTIONS

- 1. The fence committee originally estimated the total to be approximately \$6MM dollars. Can you help further explain how the HOA board plans to fund this project?**

Answer: *The original proposed funding plan is to use the project account to fund a 20% down payment. A 15-year loan would be secured for the balance at an interest rate equivalent to the 7-year U.S. Treasury Constant + 2.5%. However, considering the current rising interest rates and uncertainty with the economy we have opted to take a phased approach to the project which allows the HOA to avoid a high cost loan and more time and options to partner with MUD 151 on sharing project costs.*

- *Phase 1: Crossover and West Firethorne*
- *Phase 2: North and South Firethorne*
- *Phase 3: MUD perimeter areas*

Once a formal proposal is presented to the HOA board, the project scope and specifications will be analyzed carefully with the goal of reducing the overall project cost significantly. Any previously discussed financial impact estimates did not consider any of the following variables: Contractor price negotiation, volatile economic conditions, project scope and fence specification changes, current HOA operating budget absorption, and potential MUD contribution.

- 2. How will this project impact my annual homeowner's association dues?**

Answer: *Firethorne is proud to have one of the lowest annual HOA fees in the area at \$850 (excluding gated sections), a number that has not increased permanently in approximately 15 years. Legally, the Association is only allowed to increase dues 10% per year, excluding special assessments (which is not being considered at this time). The board voted to increase dues to \$850 during the Nov 2022 board meeting. The due increase was to replenish funds used to acquire the Firethorne Developer Building.*

- 3. I live in one of the two "gated sections" of our community, and my annual association dues include an additional assessment. Additionally, my specific gated section off West Firethorne Road (Section 16) was built with a Fencecrete perimeter fence to begin with. Why should our dues go up even more when we are already paying more than the typical household in Firethorne?**

Answer: *The higher assessment for residents in "gated sections" is to cover the direct costs associated with those sections, the most notable of which is owning and maintaining the roads behind the gates. Typically, roads are owned and maintained by a public entity at the county or state level and are accessible to the public at all times. Since the gated area is not accessible to the public, the roads, gates, parks, and other facilities within a gated section are owned and maintained by the Community Association, hence the higher annual assessment.*



4. **How is Fort Bend MUD 151 involved? Are they providing any funding for this project, and if so, will it impact my property taxes?**

Answer: *The Fort Bend MUD 151 Board of Directors, have communicated funding for Phase 1 will not be an option. Firethorne HOA will continue to remain in contact with MUD 151 for future project funding options.*

5. **There will be other costs associated with this project. One-time costs might include, among others, engineering and legal fees, irrigation repairs, and landscape repairs. Ongoing costs, among others, might include insurance and long-term maintenance of the new structure. Project cost overruns are a concern. Have these been considered and where do they fall in the HOA's current budget?**

Answer: *Any associated costs will be rolled into the overall cost of the project. Future variable expenses will need to be estimated and funded within operating budget. We can speak to the low maintenance cost of the material selected; for example, in the time Cross Creek has had its perimeter (some sections now 15 years old), repainting has not been needed.*

6. **My home backs up to the perimeter. Can you explain how the legal aspect of the HOA ownership of fencing installed on my property will work? What about damage to my sprinkler system and plants during construction?**

Answer: *The committee has explored several options and after consulting with legal, the Board of Directors, and the Perimeter Fence Committee; the current plan is for the fence to be built next to existing fencing. This will allow for residential lawns and homeowner landscaping, irrigation, etc. to remain intact and for the perimeter fencing to be on HOA maintained property.*

7. **Why are all homes being asked to pay for this equally? Shouldn't homes that directly back up to the proposed new fence pay a higher share, as they will receive a greater benefit than others?**

Answer: *The primary purpose of this project is to maintain the long-term position of Firethorne being considered a premiere community in Katy, ultimately protecting home values and marketability of our development. Our current situation of perimeter fencing being owned by individual homeowners makes it impossible for Firethorne to maintain a uniform and consistent look around the perimeter. This project will allow for Firethorne to establish and maintain a uniform look, directly benefiting all homes in the community, not only those that back up to it.*



8. I live next to one of the busy roads like Crossover and West Firethorne. The car noise has increased dramatically over the last few years, and West Firethorne Road has turned into a race track for cars in the evenings, making me concerned that a car will crash through my back fence and into my yard. Does the product proposed provide sound or safety benefits?

***Answer:** The primary purpose of this project is to enhance the visual appearance of Firethorne, helping maintain long-term home values and marketability of our development.*

9. The original committee presentation highlighted the proposed primary and secondary locations yet seemed to exclude some high-visibility areas in various parts of the community. Why were these areas excluded, and who decides what the ultimate scope of the project will be?

***Answer:** After receiving community feedback, the HOA board has updated the proposed scope to include the following phased approach:*

- Phase 1: Crossover and West Firethorne
- Phase 2: North and South Firethorne
- Phase 3: MUD perimeter areas

10. My home backs up to one of the MUD lakes or detention areas, requiring me to have and maintain a wrought iron fence along the border of my property and the MUD's property. Will I still be responsible for maintaining that fence? Why are the bayou areas included, but lakes are not, even though they both have trails and are highly visible?

***Answer:** All fencing not planned for replacement outside of the perimeter fence project scope will continue to be maintained by Residents (either wooden or iron), to the standards set within the CC&R's of our Community.*

11. What is the status of the sound wall along FM 1463? How does it impact this project? How does it impact the wrought iron fencing that is currently along FM 1463?

***Answer:** The timing, scope, specifications, and design of the sound wall is controlled by TXDOT. The appearance/design of the wall (provided to the committee by TXDOT) can be found in the original committee presentation. Sound wall height (12 feet) was decided by TXDOT based on sound studies conducted by the agency. The existing wrought iron fencing along FM 1463, which is owned by the MUD, is being removed in some sections to preserve the material for future projects; it will serve no purpose once the sound wall is built in front of its current location. The sound wall construction is active today at the SW corner of FM 1463 and North Firethorne Road. For more information contact TXDOT.*

12. Why doesn't the proposed perimeter fence include both sides of FM 1463?

***Answer:** The primary objective of this project is to bring uniformity to our perimeter and enhance the overall aesthetics visible from major roads and thoroughfares throughout the community. Installing the proposed product behind a sound wall will provide no benefit to the overall community. With that said,*



the committee does expect for portions of the current wood fence along 1463 to be very visible even after the sound wall is complete and is recommending that the scope of the perimeter project be modified to include the specific places visible from the road, but not until the sound wall is complete and as assessment of wood fence sightlines can be conducted.

13. What is going to happen to the land between the sound wall and resident fences? Right now these areas are walking paths, but it seems the sound wall is going to create a tunnel, creating a potential safety concern.

Answer: *The land in question is owned by Fort Bend MUD 151. It will be up to that entity to decide what, if anything, is done with this space.*

14. I live along the perimeter and currently have a gate installed on my back fence, enabling direct access to the trails behind my home. Will I be able to install a gate in the proposed new structure?

Answer: *Gates are not an option with the currently proposed material and will not be authorized to be installed after the construction is complete.*

15. I am in favor of new fencing for the neighborhood, but 8 ft. in height seems excessive. Why didn't the committee select standard 6 ft. as the height for the project?

Answer: *After careful consideration and review, the HOA board deliberated during the special executive session on December 8, 2022 whether the fence should be 6.0 ft. vs 8.0 ft. The entire board discussed at length both pros and cons of each height. Ultimately, the board unanimously voted in the best interested of the community to maintain the consistency of 6.0 ft. fencing. Several reasons contributed to this decision including:*

- *The 6ft fencing will help maintain architectural continuity throughout the community and transition to and from neighboring subdivisions.*
- *There will be no issues regarding our current CC&Rs.*
- *Most other communities around Firethorne also use 6.0 ft. as their fence height.*
- *Consultation with an industry expert and legal counsel suggested 6.0 ft. is the ideal height without adding unnecessary complications.*
- *And best of all, the 6.0 ft. fence can be installed and maintained for a lesser cost.*



16. Can you tell me more about the committee? How many of them back up to the proposed project and see some direct benefit from it?

Answer: The committee of 27 people, all of whom are Firethorne residents, is diverse in the sections of Firethorne represented. The map contained in the original committee town hall presentation illustrates this fact. Roughly 70% of the committee does not back up to the project directly while about 30% does. The purpose of the project is to enhance the values of all homes in our community for the long term and not benefit some homes more than others.

17. How did the committee choose the recommended contractors? Is there any conflict of interest or affiliation to anyone on the committee or board?

Answer: The committee's primary focus was to choose the type of material determined to be best for our community both today and long term, not who ultimately installs it. This process included touring other communities in the Katy area, all with different types of fencing material (including brick, wood, precast concrete, etc.). This process led to the selection of the Aftec product for primary locations for ease of installation and longevity of the life of the material. No one on the HOA board has any affiliation with bidding contractors.

While the committee has worked with several vendors, the HOA board will be required to put the project out for bid. The HOA board has developed the RFQ to include scope, specifications, and requirements for quote.

18. With the new fence not being built on homeowner property, I have concerns about the small gap that will be created between the new fence and my existing fence.

Answer: Homeowner fences scheduled for replacement will be completely removed. Side fences would remain intact and be connected into new perimeter fence by the contractor.

19. I have concerns about flooding once the perimeter wall is added to our community. Has any explanation been provided regarding water retention or ponding that could result from the new fence?

Answer: The new perimeter fence will be installed on two-foot diameter pylons with clearance between the supporting pylons and between panel bottom and ground. This will allow for more water flow and drainage than current wood fences allow. This same method is used in TXDOT sound walls and does not cause an increase in water ponding.

20. What does the process look like from an engineering standpoint? Have geotechnical considerations been addressed? Soil samples? Who engineers the product, and who manages the project from start to finish? Are the contractors bonded?

Answer: This project has taken geotechnical considerations into account using data from nearby projects (i.e. the 12 foot high TXDOT sound wall going in along 1463). There is no regulatory burden upon this



project to obtain project specific documentation as we are in unincorporated Fort Bend County and not subject to any specific city requirements. The engineering on the specific wall product has been conducted and warranted by the applicable provider of said product. The chosen contractor and HOA board will provide the project budget, schedule, and oversight management for the length of the project. Comments toward a bonded contractor cannot be made at this time as the contractor has not been selected for this project. The HOA board is required to get at least 3 competitive bids for the project and will be moving on that process upon approval of the project. Any comments on the financial viability of the contractor can be made at that time.

21. What are the next steps with the project?

Answer:

Sept 29, 2022 Board Meeting:, the HOA board voted to collect community input via an emailed survey sent out 3,476 Residents of which 33% or 1,158 surveys were completed.

Nov 30, 2022 Board Meeting: Survey results were evaluated and presented at the board meeting on November 30, 2022. The HOA board voted to “Yes” to proceed with the project and “Yes” to a 3-phased project. The HOA board expressed concern and agreed to discuss fence height in Executive Session and to hold a special board meeting on December 8, 2022.

Dec 1, 2022 Board Meeting: The board unanimously approved a phased approach to the fence project beginning with Phase 1 (West Firethorne and Crossover Rd).

Dec 8, 2022 Special Board Meeting: The board voted to have 6.0 ft. fences for Phase 1 of the project to maintain architectural continuity throughout the community.

February 23, 2023 Board Meeting: The board approved the revised Perimeter Fence RFQ which will be sent to 3 selected contractors.

Mar 23, 2023 Board Meeting: The Perimeter Fence Committee collected and reviewed proposals from 3 fence contracts and recommended the Board proceed with Aber Fence. The board voted to select Aber Fence with conditions.

Scheduled April 27, 2023 Board Meeting: The PFC will be conducting further investigation into Aber Fence. The board will overseeing this due diligence and negotiating final details of the Aber Fence proposal. If all goes well the PFC will be recommending an executed contract with Aber Fence.