

RESOLUTION NO. 11-2018

A RESOLUTION BY THE COUNCIL OF THE CITY OF NEW PHILADELPHIA, OHIO AUTHORIZING THE MAYOR OF THE CITY OF NEW PHILADELPHIA TO ENTER INTO AN OHIO ENTERPRISE ZONE AGREEMENT WITH GEMINI INDUSTRIAL MACHINE GROUP, LLC/GEMINI REALTY HOLDINGS, LLC FOR PURPOSES OF RELOCATING THEIR BUSINESS OPERATIONS FROM DOVER TOWNSHIP TO THE TUSCARAWAS REGIONAL TECHNOLOGY PARK IN NEW PHILADELPHIA, AND DECLARING AN EMERGENCY.

WHEREAS, the Gemini Industrial Machine Group, LLC/Gemini Realty Holdings, LLC desires to relocate from Dover Township to the Tuscarawas Regional Technology Park in New Philadelphia, for purposes of building a new larger facility and expanding their company operations; and

WHEREAS, the City of New Philadelphia has encouraged the development of real property and the acquisition of personal property located in the area designated as an enterprise zone; and

WHEREAS, said relocation will create jobs in the city of New Philadelphia, and;

WHEREAS, the Ohio Enterprise Zone Agreement, attached hereto and incorporated herein by reference as if fully rewritten, will facilitate said relocation.

NOW, THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NEW PHILADELPHIA, OHIO:

SECTION 1. The City of New Philadelphia, Ohio does hereby authorize the Mayor of the City of New Philadelphia to enter into the Ohio Enterprise Zone Agreement with the Gemini Industrial Machine Group, LLC/Gemini Realty Holdings, LLC, a copy of which is attached hereto and incorporated herein by reference as if fully rewritten, for purposes of relocating from Dover Township to the Tuscarawas Regional Technology Park in New Philadelphia, for purposes of building a new larger facility and expanding their company operations.

SECTION 2. This Resolution is hereby declared to be an emergency measure and its immediate passage is necessary in order to preserve, protect and maintain the health, safety and welfare of the citizens of the City of New Philadelphia, Ohio.

SECTION 3. This resolution shall take effect immediately upon its passage and approval.


PASSED: May 14, 2018

  
SAM R. HITCHCOCK  
PRESIDENT OF COUNCIL

ATTEST:

  
JULIE COURTRIGHT  
CLERK OF COUNCIL

APPROVED:

  
JOEL B. DAY  
MAYOR

SPONSORED BY: PUBLIC WORKS AND ECONOMIC DEVELOPMENT



# Tuscarawas County

## Office of Community & Economic Development

125 East High Avenue, Room #212, New Philadelphia, Ohio 44663  
330-365-3219 330-364-1368 Fax  
Email: [tuscoced@co.tuscarawas.oh.us](mailto:tuscoced@co.tuscarawas.oh.us)

Scott S. Reynolds  
Director

Kimberly D. Cox  
Administrative Assistant

### Receipt of School Board Notifications for proposed Gemini Industrial Machine Group, LLC/City of New Philadelphia Enterprise Zone Agreement:

Buckeye Career Center:

Kaleen Mickley  
Signature:

4/5/18  
Date Received:

Kaleen Mickley  
(Typed or Printed Name & Title)

Secretary

New Philadelphia City Schools District:

Lisa K. Stephens  
Signature:

4/5/18  
Date Received:

Lisa K. Stephens, Sec'y  
(Typed or Printed Name & Title)



OHIO DEVELOPMENT SERVICES AGENCY

OHIO ENTERPRISE ZONE PROGRAM

REQUEST FOR WAIVER OF RELOCATION RESTRICTIONS

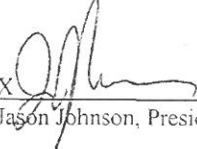
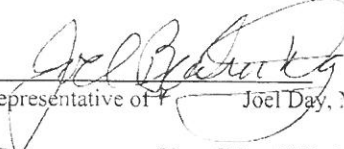
- 1. a. Name of Business Gemini Industrial Machine Group, LLC/Gemini Realty Holdings, LLC
b. Local jurisdiction (site where facility is to relocate) City of New Philadelphia
2. Describe the Relocation aspects of the proposal. (include a copy of the Enterprise Zone Proposed Agreement Form):
Gemini Industrial Machine Group, LLC will be building a new larger facility in the Tuscarawas Regional Technology Park and relocating and expanding their operations from their current site in Dover Township (5697 Crown Road, Dover, Ohio 44622 to the new site at Parcel #43-07966.004 on Tech Park Drive in the City of New Philadelphia, Ohio 44663.
3. Waiver requested (Note which situation(s) apply):
5709.633A Business has had a previous Enterprise Zone tax exemption and is now looking to relocate all or a portion of the employee positions or assets within Ohio within five years of the end of the previously approved Enterprise Zone Agreement -- no new agreement can be approved without a waiver from the Director of Development.
X 5709.632 Business is seeking to relocate all or a portion of the employee positions or assets from one Ohio location to another Ohio location -- the new local jurisdiction has Enterprise Zone authority under Section 5709.632 which is not based on the required distress criteria. No agreement can be approved without a waiver from the Director of Development.
4. Basis of Waiver (Note which waiverable condition(s) exist):
X 5709.633(B)(1) Business cannot physically expand at the current site to the extent necessary for the proposed project. (Not in a timely and financially responsible manner).
5709.633(B)(2) Market conditions such as just-in-time supply, changes in production methods, changes in special contract provisions, or ownership changes. Note specific situation:
5709.633(B)(3) Business Consolidation -- note all facilities involved in the consolidation

Note that proposals involving at least one out-of-state facility must demonstrate a 25% increase in total Ohio employment and a 25% increase in total real or personal property investment at the site. Proposals involving all Ohio facilities must demonstrate a 25% increase in total Ohio employment and a 50% increase in total Ohio real or personal property investment of the facilities involved in the relocation.

Attach documentation of projected new employment and investment figures compared to existing Ohio figures.

5. State the rationale of why this waiver is necessary to attract or retain employment opportunities and this investment in Ohio. Expanding at their current location would require both demolition and construction, which will take longer than the company is willing to wait. Their business is expanding at a very fast pace and they want to locate in the Technology Park because there business is an ever-changing process of blending technology and automation to help manufacturing companies refine their manufacturing processes.
6. The Ohio communities with facilities which would be closed or reduced as a result of this proposal have X /have \_\_\_ been formally notified of this project. Note that a thirty (30) day notice prior is required to such communities before the new local jurisdiction can approve an Enterprise Zone Agreement. ODOD will contact such communities to verify information in this request and whether notice has been received.

All the information contained within this document as well as attachments are to the best of our knowledge accurate and true.

X  \_\_\_\_\_ X  \_\_\_\_\_  
Jason Johnson, President - authorized representative of \_\_\_\_\_ Joel Day, Mayor - authorized representative of \_\_\_\_\_  
Gemini Industrial Machine Group, LLC \_\_\_\_\_ City of New Philadelphia \_\_\_\_\_

4/4/18  
date

4/5/18  
date



*Tuscarawas County*  
Office of Community & Economic Development

125 East High Avenue, # 212 New Philadelphia, Ohio 44663  
330-365-3219 330-364-1368 Fax  
Email: [tuscoced@co.tuscarawas.oh.us](mailto:tuscoced@co.tuscarawas.oh.us)

Scott S. Reynolds  
Director

Kimberly D. Cox  
Administrative Assistant

April 5, 2018

Dover Township Trustees  
2000 Red Hill Road NW  
Dover, Ohio 44622

Re: Relocation Notice – Ohio Enterprise Zone Program, Gemini Industrial Machine Group, LLC.

Dear Trustees:

On behalf of the City of New Philadelphia and in accordance with the provisions of Section 5709.69 of the Ohio Revised Code, I am hereby providing formal notice to the Dover Township Trustees that Gemini Industrial Machines, LLC, hereinafter referred to as “Gemini”, is planning to relocate its existing operations including Eight (8) engineering & production jobs, machinery and equipment from its 5697 Crown Road, Dover, Ohio 44622 (Dover Township) location to the Tolloty Regional Technology Park located in the City of New Philadelphia on Tech Park Drive, North of the KSU Performing Arts Center and NW of Buckeye Career Center.

“Gemini” wishes to expand its engineering and production facilities and is unable to do so in a timely and financially feasible method at its current location. “Gemini” has made application to the City of New Philadelphia for tax incentives under Ohio’s Enterprise Zone Program. I am enclosing a copy of the draft Enterprise Zone Agreement as well as a copy of Gemini’s Enterprise Zone Application and its request for a waiver of the relocation restrictions outlined in Section 5709.633A of the Ohio Revised Code. The waiver is required due to Gemini’s desire to enter into a new enterprise zone agreement after relocating to another site within the State of Ohio.

In accordance with the provisions of Section 5709.69 of the Ohio Revised Code, the City of New Philadelphia is providing this notice not later than thirty (30) days prior to the day of the first public meeting at which the Enterprise Zone Agreement can be approved by the City of New Philadelphia’s City Council, which is May 14, 2018 at Council Chambers, John Knisley Municipal Center, 150 E. High Avenue, New Philadelphia, Ohio 44663.

If you have any questions regarding this matter, please contact me and/or the City at your convenience.

Sincerely,

Scott S. Reynolds, Manager  
Tuscarawas County Enterprise Zones

SSR/pc

Cc: Daniel Strasser, ODSA/Office of Tax Incentives  
City of New Philadelphia



# Tuscarawas County

## Office of Community & Economic Development

125 East High Avenue, Room #212, New Philadelphia, Ohio 44663  
330-365-3219 330-364-1368 Fax  
Email: [tuscoced@co.tuscarawas.oh.us](mailto:tuscoced@co.tuscarawas.oh.us)

Scott S. Reynolds  
Director

Kimberly D. Cox  
Administrative Assistant

April 5, 2018

Mr. Robert Alsept, Superintendent  
Buckeye Career Center  
545 University Drive, N. E.  
New Philadelphia, Ohio 44663

Re: Notification of proposed Enterprise Zone Agreement with Gemini Industrial Machine Group, LLC in the City of New Philadelphia, Tuscarawas County, Ohio.

Dear Mr. Alsept:

As the Tuscarawas County Enterprise Zone Manager, I am making notification that on March 9, 2018, Gemini Industrial Machine Group, LLC did make formal application to the City of New Philadelphia, requesting the consideration of an enterprise zone agreement for the abatement of real property taxes at a proposed location in the Tolloty Regional Technology Park in the City of New Philadelphia. A copy of the application and the proposed agreement are attached for your review.

Please be advised that no existing taxes would be abated by the proposed agreement, only taxes on the new investment would be abated at the specified rate for a specific number of years, if the agreement is approved. The City of New Philadelphia would like to approve the Application and Agreement at the regularly scheduled Council meeting at 7:30 P.M. on May 14, 2018 in the city council chambers at the John Knisley Municipal Center, 150 East High Avenue, New Philadelphia, Ohio 44663. The Tuscarawas County Commissioners will take their official action on this Enterprise Zone Agreement at their first available Commissioners meeting after they receive the documentation from the City of New Philadelphia tentatively scheduled for May 21, 2018, in the William E. Winters Conference Room, 125 East High Avenue, New Philadelphia, Ohio 44663.

I would be happy to respond to any questions or comments you might have, so please feel free to contact me at the above address or call (330) 365-32119. If you have any official comments or concerns, please submit them in writing prior to the May 14<sup>th</sup>, 2018 New Philadelphia City Council Meeting. Comments may be submitted to the OCED office. We will make sure that they are passed on to the Mayor and City Council.

Sincerely,

Scott S. Reynolds, Manager  
Tuscarawas County Enterprise Zones

Xc. – File  
Encl.



# Tuscarawas County

## Office of Community & Economic Development

125 East High Avenue, # 212 New Philadelphia, Ohio 44663  
330-365-3219 330-364-1368 Fax  
Email: tuscoced@co.tuscarawas.oh.us

Scott S. Reynolds  
Director

Kimberly D. Beans  
Administrative Assistant

### Receipt of Dover Township Trustees Relocation Notification for the proposed Gemini Industrial Machine Group, LLC. – City of New Philadelphia Enterprise Zone Agreement:

Dover Township Trustees:

Signature: \_\_\_\_\_

Date Received: 4/5/2015

John Fowdriest Trustee  
(Typed or Printed Name & Title)





# Tuscarawas County

## Office of Community & Economic Development

125 East High Avenue, Room #212, New Philadelphia, Ohio 44663  
330-365-3219 330-364-1368 Fax  
Email: [tuscoced@co.tuscarawas.oh.us](mailto:tuscoced@co.tuscarawas.oh.us)

Scott S. Reynolds  
Director

Kimberly D. Cox  
Administrative Assistant

April 5, 2018

Mr. David Brand, Superintendent  
New Philadelphia City School District  
248 Front Ave SW  
New Philadelphia, Ohio 44663

Re: Notification of proposed Enterprise Zone Agreement with GE Mobile Water, Inc. in the City of New Philadelphia, Tuscarawas County, Ohio.

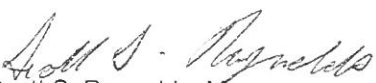
Dear Mr. Brand:

As the Tuscarawas County Enterprise Zone Manager, I am making notification that on March 9, 2018, Gemini Industrial Machine Group, LLC did make formal application to the City of New Philadelphia, requesting the consideration of an enterprise zone agreement for the abatement of real property taxes at a proposed location in the Tolloty Regional Technology Park in the City of New Philadelphia. A copy of the application and the proposed agreement are attached for your review.

Please be advised that no existing taxes would be abated by the proposed agreement, only taxes on the new investment would be abated at the specified rate for a specific number of years, if the agreement is approved. The City of New Philadelphia would like to approve the Application and Agreement at the regularly scheduled Council meeting at 7:30 P.M. on May 14, 2018 in the city council chambers at the John Knisley Municipal Center, 150 East High Avenue, New Philadelphia, Ohio 44663. The Tuscarawas County Commissioners will take their official action on this Enterprise Zone Agreement at their first available Commissioners meeting after they receive the documentation from the City of New Philadelphia tentatively scheduled for May 21, 2018, in the William E. Winters Conference Room, 125 East High Avenue, New Philadelphia, Ohio 44663.

I would be happy to respond to any questions or comments you might have, so please feel free to contact me at the above address or call (330) 365-32119. If you have any official comments or concerns, please submit them in writing prior to the May 14th, 2018 New Philadelphia City Council Meeting. Comments may be submitted to the OCED office. We will make sure that they are passed on to the Mayor and City Council.

Sincerely,

  
Scott S. Reynolds, Manager  
Tuscarawas County Enterprise Zones

Xc. – File  
Encl.

**OHIO ENTERPRISE ZONE AGREEMENT**

This agreement made and entered into by and between the City of New Philadelphia, Ohio, a Municipal Corporation, with its main offices located at 150 East High Avenue, New Philadelphia, Ohio (hereinafter referred to as "New Philadelphia" or "City of New Philadelphia") and Gemini Industrial Machine Group, LLC, an Ohio Limited Liability Corporation with its main offices currently located at 5697 Crown Road, Dover Ohio 44622 (hereinafter referred to as "Gemini Machine") and Gemini Realty Holdings, LLC, also an Ohio Limited Liability Corporation with its main offices currently located at 5697 Crown Road, Dover Ohio 44622 (hereinafter referred to as "Gemini Realty") "Gemini Machine" and "Gemini Realty" shall be referred to either individually by their respective names or jointly and/or severally as "Gemini Machine/Gemini Realty".

WITNESSETH;

WHEREAS, the "City of New Philadelphia" has encouraged the development of real property and the acquisition of personal property located in the area designated as an Enterprise Zone; and

WHEREAS, "Gemini Machine/Gemini Realty" is desirous of establishing operations in the City of New Philadelphia (hereinafter referred to as the "PROJECT") within the boundaries of the aforementioned Enterprise Zone, provided that the appropriate development incentives are available to support the economic viability of said PROJECT; and

WHEREAS, the Council of the City of New Philadelphia, Ohio by Resolution No. 52-2010 adopted February 28, 2010, designated the area as an "Enterprise Zone" pursuant Chapter 5709 of the Ohio Revised Code; and

WHEREAS, effective April 22, 2011, the Director of Development of the State of

Ohio determined that the aforementioned area designated in said Resolution No. 52-2010 contains the characteristics set forth in Section 5709.61(A)(2) of the Ohio Revised Code and certified said area as an Enterprise Zone under said Chapter 5709; and

WHEREAS, “New Philadelphia” having the appropriate authority for the stated type of project is desirous of providing “Gemini Machine/Gemini Realty” with incentives available for the development of the PROJECT in said Enterprise Zone under Chapter 5709 of the Ohio Revised Code; and

WHEREAS, “Gemini Machine/Gemini Realty” has submitted a proposed agreement application (herein attached and included as part of this agreement as Exhibit A) to “New Philadelphia” said application (hereinafter referred to as "APPLICATION"); and

WHEREAS, “Gemini Machine/Gemini Realty” has remitted the required state application fee of \$750.00, made payable to the Ohio Department of Development, with the application to be forwarded with the final agreement; and

WHEREAS, the Mayor of the City of New Philadelphia has investigated the application of “Gemini Machine/Gemini Realty” and has recommended the same to the Council of the “City of New Philadelphia” on the basis that “Gemini Machine/Gemini Realty” is qualified by financial responsibility and business experience to create and preserve employment opportunities in said Enterprise Zone and improve the economic climate of the City of New Philadelphia; and

WHEREAS, the project site as proposed by “Gemini Machine/Gemini Realty” is located in the New Philadelphia City School District and the Buckeye Career Center (joint vocational school district) and the Board of Education of the New Philadelphia City School District and the Buckeye Career Center have been notified in accordance with Section 5709.83 and been given a copy of the APPLICATION; and

WHEREAS, pursuant to Section 5709.62(C), 5709.63(A) or 5709.632 and in conformance with the format required under Section 5709.631 of the Ohio Revised Code, the parties hereto desire to set forth their agreement with respect to matters hereinafter contained;

NOW, THEREFORE, in consideration of the mutual covenants hereinafter contained and the benefit to be derived by the parties from the execution hereof, the parties herein agree as follows:

1. The PROJECT will involve a total investment by “Gemini Machine/Gemini Realty” of up to \$2,550,000.00 (Two Million Five Hundred Fifty Thousand Dollars) at the proposed New Philadelphia, Ohio site.
2. “Gemini Machine/Gemini Realty” shall construct or cause to be constructed a building or buildings at the proposed New Philadelphia, Ohio, Tech Park Drive site to permit the establishment of its Gemini Machine/Gemini Realty Facility operations. In addition, “Gemini Machine/Gemini Realty” will purchase and install new and/or “first-used” machinery & equipment, furniture & fixtures and inventory.
3. The minimum investment for real property improvements to qualify for the exemption is \$1,700,000.00 (One Million Seven Hundred Thousand Dollars) the minimum investment for tangible personal property is \$70,000.00 (Seventy Thousand Dollars) to purchase machinery and equipment first used in business at the facility as a result of the *Project* and \$30,000.00 (Thirty Thousand Dollars) for furniture and fixtures and an increase of \$30,000.00 (Thirty Thousand Dollars) in inventory first used in business at the facility as a result of the *Project*.
4. The maximum investment for real property improvements to qualify for the exemption is \$2,200,000.00 (Two Million Two Hundred Thousand Dollars). The maximum investment for tangible personal property to qualify for the exemption is \$150,000.00 (One Hundred Fifty Thousand Dollars) to purchase machinery and equipment first used in business at

the facility as a result of the *Project*, \$50,000.00 (Fifty Thousand Dollars) for furniture and an increase of \$50,000.00 (Fifty Thousand Dollars) in inventory first used in business at the facility as a result of the *Project*.

5. The exemptions shall commence the first year for which the real property improvements or the tangible personal property would first be taxable were that property not exempted from taxation. No exemption shall commence after tax return year 2020 nor extend beyond tax return year 2030. No exemption shall be allowed for any type of real property improvement or tangible personal property if the total investment is less than the minimum dollar amount specified for that type of property.
6. The PROJECT will begin on or after June of 2018 and all acquisition, construction and installation will be completed by Feb. of 2019.
7. "Gemini Machine" shall create the equivalent of 8 (Eight) full-time permanent job opportunities in its New Philadelphia Tech Park Drive Facility within 24-months of the project's completion (or Feb., 2018). In total, "Gemini Machine" has 8 (Eight) full-time permanent employees in the State of Ohio. The estimated annual payroll related to the job creation is approximately \$200,000.00 (Two Hundred Thousand Dollars) once all 8 (Eight) jobs have been created.
8. "Gemini Machine/Gemini Realty" shall provide to the Tax Incentive Review Council any information reasonably required by the council to evaluate the enterprise's compliance with the agreement, including returns filed pursuant to section 5711.02 of the Ohio Revised Code if requested by the council." ODOD suggests enterprises receiving personal property tax incentives be required to supply a copy of the Ohio Department of Taxation State Tax return form 913EX to the Tax Incentive Review Council for each year the agreement is in effect or required to be reviewed.

9. “New Philadelphia” hereby grants “Gemini Machine/Gemini Realty” a tax exemption for real property improvements made to the PROJECT site pursuant to Section 5709.62, 5709.63 or 5709.632 of the Ohio Revised as follows:

| <u>Year of Tax Exemption</u> | <u>Tax Exemption Amount</u> |
|------------------------------|-----------------------------|
| YR 1                         | 75%                         |
| YR 2                         | 75%                         |
| YR 3                         | 75%                         |
| YR 4                         | 75%                         |
| YR 5                         | 75%                         |
| YR 6                         | 75%                         |
| YR 7                         | 75%                         |
| YR 8                         | 75%                         |
| YR 9                         | 75%                         |
| YR 10                        | 75%                         |

Each identified project improvement will receive a ten-year exemption period. The exemption commences the first year for which the real Property would first be taxable were that property not exempted from taxation. No exemption shall commence after December 31, 2020 nor extend beyond December 31, 2030. “Gemini Machine/Gemini Realty” must file the appropriate tax forms (DTE 23) with the County Auditor.

10. “Gemini Machine/Gemini Realty” hereby certifies that at the time this agreement is executed, “Gemini Machine/Gemini Realty” does not owe any delinquent real or tangible personal property taxes to any taxing authority of the State of Ohio, and does not owe delinquent taxes for which “Gemini Machine/Gemini Realty” is liable under Chapter 5733., 5735., 5739., 5741., 5743., 5747., or 5753. of the Revised Code, or, if such delinquent taxes are owed, “Gemini Machine/Gemini Realty” currently is paying the delinquent taxes pursuant to an undertaking enforceable by the State of Ohio or an agent or instrumentality thereof, has filed a petition in bankruptcy under 11 U.S.C.A. 101, et seq., or such a petition has been filed against “Gemini Machine/Gemini Realty”. For the purposes of the certification, delinquent taxes are taxes that remain unpaid on the latest

day prescribed for payment without penalty under the chapter of the Revised Code governing payment of those taxes.

- A. “Gemini Machine/Gemini Realty” affirmatively covenants that it does not owe: (1) any delinquent taxes to the State of Ohio or a political subdivision of the State; (2) any moneys to the State or a state agency for the administration or enforcement of any environmental laws of the State; and (3) any other moneys to the State, a state agency or a political subdivision of the State that are past due, whether the amounts owed are being contested in a court of law or not.

11. If “Gemini Machine/Gemini Realty” materially fails to fulfill its obligations under this agreement, other than with respect to the number of employee positions estimated to be created under this agreement, or if “New Philadelphia” determines that the certification as to delinquent taxes required by this agreement is fraudulent, “New Philadelphia” may terminate or modify the exemptions from taxation granted under this agreement. In addition, if in any three-year period during which this agreement is in effect, if the actual number of employee positions created or retained by “Gemini Machine” is not equal to or greater than seventy-five percent of the number of employee positions estimated to be created or retained under this agreement during that three-year period, “Gemini Machine” shall repay the amount of taxes on property (real property or real property improvements performed as part of the project) that would have been payable had the property not been exempted from taxation under this agreement during that three-year period. In addition, City Council may then review and either terminate or modify the exemptions from taxation granted under this agreement.

12. “Gemini Machine/Gemini Realty” shall pay an annual fee of \$100.00 dollars. The fee shall be paid once per year prior to February 28 of each year the agreement is effective. The fee is to be made payable to the Tuscarawas County Treasurer and **mailed to the Tuscarawas County Office of Community & Economic Development (125 East High Avenue, Room 212, New Philadelphia, Ohio 44663)**. This fee shall be deposited in a special fund created for such purpose and shall be used exclusively for the purpose of complying with section 5709.68 of the revised code and by the tax incentive review council created under section 5709.85 of the revised code exclusively for the purposes of performing the duties prescribed under that section.
13. “Gemini Machine/Gemini Realty” shall pay such real and tangible personal property taxes as are not exempted under this agreement and are charged against such property and shall file all tax reports and returns as required by law. In the event that “Gemini Machine/Gemini Realty” fails to pay such taxes or file such returns and reports, all incentives granted under this agreement are rescinded beginning with the year for which such taxes are charged or such reports or returns are required to be filed and thereafter.
14. “New Philadelphia” shall perform such acts as are reasonably necessary or appropriate to effect, claim, reserve, and maintain exemptions from taxation granted under this agreement including, without limitation, joining in the execution of all documentation and providing any necessary certificates required in connection with such exemptions.
15. If for any reason the Enterprise Zone designation expires, the Director of the Ohio Department of Development revokes certification of the zone, or the “City of New Philadelphia” revokes the designation of the zone, entitlements granted under this agreement shall continue for the number of years specified under this agreement, unless “Gemini Machine/Gemini Realty” materially fails to fulfill its obligations under this



agreement and “New Philadelphia” terminates or modifies the exemptions from taxation granted under this agreement.

16. “Gemini Machine/Gemini Realty” and “New Philadelphia” acknowledge that this agreement must be approved by formal action of the legislative authority of City of New Philadelphia as a condition for the agreement to take effect. This agreement takes effect upon such approval.
17. The “City of New Philadelphia” has developed a policy to ensure recipients of Enterprise Zone tax benefits practice non-discriminating hiring in its operations. By executing this agreement, “Gemini Machine/Gemini Realty” is committing to following non-discriminating hiring practices acknowledging that no individual may be denied employment solely on the basis of race, religion, sex, disability, color, national origin, or ancestry.
18. Exemptions from taxation granted under this agreement shall be revoked if it is determined that “Gemini Machine/Gemini Realty”, any successor enterprise, or any related member (as those terms are defined in Section 5709.61 of the Ohio Revised Code) has violated the prohibition against entering into this agreement under Division (E) of Section 3735.671 or Section 5709.62, 5709.63, or 5709.632 of the Ohio Revised Code prior to the time prescribed by that division or either of those sections.
19. “Gemini Machine/Gemini Realty” affirmatively covenants that it has made no false statements to the State or local political subdivision in the process of obtaining approval for the Enterprise Zone incentives. If any representative of “Gemini Machine/Gemini Realty” has knowingly made a false statement to the State or local political subdivision to obtain the Enterprise Zone incentives, “Gemini Machine/Gemini Realty” shall be required to immediately return all benefits received under the Enterprise Zone Agreement

pursuant to ORC Section 9.66 (C)(2) and shall be ineligible for any future economic development assistance from the State, any state agency or a political subdivision pursuant to ORC Section 9.66(C)(1). Any person who provides a false statement to secure economic development assistance may be guilty of falsification, a misdemeanor of the first degree, pursuant to ORC 2921.13(D)(1), which is punishable by a fine of not more than \$1,000 and/or a term of imprisonment of not more than six months.

20. This agreement is not transferable or assignable without the express, written approval of “City of New Philadelphia”.

IN WITNESS WHEREOF, the “City of New Philadelphia” Ohio, by Joel Day, its Mayor, and pursuant to (Ordinance/Resolution) No. \_\_\_\_\_, has caused this instrument to be executed this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ and “Gemini Machine” by, its \_\_\_\_\_, has caused this instrument to be executed on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_. “Gemini Machine”. “Gemini Realty” by, its \_\_\_\_\_, has caused this instrument to be executed on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.:

“Gemini Machine”

By: \_\_\_\_\_

\_\_\_\_\_  
(Title)

“Gemini Realty”

By: \_\_\_\_\_

\_\_\_\_\_  
(Title)

**DRAFT**

City of New Philadelphia:

By: \_\_\_\_\_

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Approved as to form:  
(Legal counsel for Municipal Corporation)

**OHIO DEVELOPMENT SERVICES AGENCY  
OHIO ENTERPRISE ZONE PROGRAM**

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**PROPOSED AGREEMENT** for Enterprise Zone Tax Incentives between the Gemin. Industrial  
Machine Group LLC located in the County of Tuscarawas and New Philadelphia

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- 1a. Name of business, home or main office address, contact person, and telephone number (attach additional pages if multiple enterprise participants).

Gemini Realty Holdings LLC  
enterprise name

Jason Johnson  
contact person

330-204-4513  
telephone number

5697 Crown Rd, Dover OH 44622  
address

- 1b. Project site:

Gemini Industrial Machine Group LLC Same  
enterprise name address

Jason Johnson  
contact person

330-204-4513  
telephone number

Tech Park Dr, New Philadelphia  
address

43-07966.004  
Tax ID# of affected parcel(s)

- 2a. Nature of business (manufacturing, distribution, wholesale or other).

- 2b. List primary 6 digit NAICS # 541330.  
Business may list other relevant SIC numbers.

2c. If a consolidation, what are the components of the consolidation? (must itemize the location, assets, and employment positions to be transferred)

N/A

2d. Form of business of enterprise (corporation, partnership, proprietorship, or other).

Limited liability Corp

3. Name of principal owner(s) or officers of the business (attach list if necessary).

Jason Johnson, Cash Williamson, Kip Bolon

4. Is business seasonal in nature? Yes\_\_\_ No X

5a. State the enterprise's current employment level at the proposed project site:

Ohio

5b. Will the project involve the relocation of employment positions or assets from one Ohio location to another? Note that relocation projects are restricted in non-distress based Ohio Enterprise Zones. A waiver from the Director of the Ohio Department of Development is available for special limited circumstances. The business and local jurisdiction should contact ODOD early in the discussions.

Yes X No\_\_\_

5c. If yes, state the locations from which employment positions or assets will be relocated and the location to where the employment positions or assets will be located:

We will relocate from 5697 Crown Rd, Dover OH (Dover Twp)  
to Tech Park Dr, New Philadelphia OH

5d. State the enterprise's current employment level in Ohio (itemized for full and part-time and permanent and temporary employees):

Currently 8 Full-time and 0 part-time

5e. State the enterprise's current employment level for each facility to be affected by the relocation of employment positions or assets: Same

5f. What is the projected impact of the relocation, detailing the number and type of employees and/or assets to be relocated?

All 8 will be relocated including any new employees added before relocation

6a. Has the Enterprise previously entered into an Enterprise Zone Agreement with the local legislative authorities at any site where the employment or assets will be relocated as a result of this proposal? Yes \_\_\_ No X

6b. If yes, list the local legislative authorities, date, and term of the incentives for each Enterprise Zone Agreement:

7. Does the Enterprise owe :

a. Any delinquent taxes to the State of Ohio or a political subdivision of the state?

Yes \_\_\_ No X

b. Any moneys to the State or a state agency for the administration or enforcement of any environmental laws of the State? Yes \_\_\_ No X

c. Any other moneys to the State, a state agency or a political subdivision of the State that are past due, whether the amounts owed are being contested in a court of law or not.

Yes \_\_\_ No X

d. If yes to any of the above, please provide details of each instance including but not limited to the location, amounts and/or case identification numbers (add additional sheets if necessary).

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8. Project Description (attach additional pages if necessary):

Gemini will construct a new 25,000 sqft at property on Tech Park Dr. in New Philadelphia. All design requirements will be reviewed by CIC design committee and City of New Philadelphia

9. Project will begin June, 2018 and be completed Feb, 2019 provided a tax exemption is provided.

10a. Estimate the number of new employees the business intends to hire at the facility that is the project site (job creation projection must be itemized by full and part-time and permanent and temporary): 8-10 Full-time jobs to be created  
0-2 Part-time jobs to be created

10b. State the time frame of this projected hiring: 2 years

- 10c. State proposed schedule for hiring (itemize by full and part-time and permanent and temporary employees): 3-4 Full-time in next 6 months 4-5 Full-time in 6-18 months  
0-2 Part-time in next 6 months
- 11a. Estimate the amount of annual payroll such new employees will add \$ 300,000 (new annual payroll must be itemized by full and part-time and permanent and temporary new employees). 250,000 by Full-time  
50,000 by Part-time
- 11b. Indicate separately the amount of existing annual payroll relating to any job retention claim resulting from the project: \$ 550,000

12. Market value of the existing facility as determined for local property taxation.  
 \$ 1,700,000 - 2,500,000

13a. Business's total current investment in the facility as of the proposal's submission.  
 \$ 200,000

13b. State the businesses' value of on-site inventory required to be listed in the personal property tax return of the enterprise in the return for the tax year (stated in average \$ value per most recent 12 month period) in which the agreement is entered into (baseline inventory):  
 \$ 60,000

14. An estimate of the amount to be invested by the enterprise to establish, expand, renovate or occupy a facility:

|  | <u>Minimum</u>             | <u>Maximum</u>             |
|--|----------------------------|----------------------------|
| A. Acquisition of Buildings:           | \$ <u>-</u>                | \$ <u>-</u>                |
| B. Additions/New Construction:         | \$ <u>1,700,000</u>        | \$ <u>2,200,000</u>        |
| C. Improvements to existing buildings: | \$ <u>-</u>                | \$ <u>-</u>                |
| D. Machinery & Equipment:              | \$ <u>70,000</u>           | \$ <u>150,000</u>          |
| E. Furniture & Fixtures:               | \$ <u>30,000</u>           | \$ <u>50,000</u>           |
| F. Inventory:                          | \$ <u>30,000</u>           | \$ <u>50,000</u>           |
| <b>Total New Project Investment:</b>   | <b>\$ <u>1,830,000</u></b> | <b>\$ <u>2,550,000</u></b> |

15. a. Business requests the following tax exemption incentives: 75 % for 10 years covering real property \_\_\_\_\_ as described above. Be specific as to type of assets, rate, and term.

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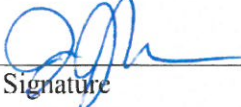
b. Business's reasons for requesting tax incentives (be quantitatively specific as possible)

The abatement will make the project feasible to help manage  
growth over next decade. Gemini continues to grow at  
rapid rates and abatement will help by allowing to hire new  
employees and upgrade equipment to stay competitive.

Submission of this application expressly authorizes (name of the local jurisdiction) and/of (name of county) to contact the Ohio Environmental Protection Agency to confirm statements contained within this application including item #7 and to review applicable confidential records. As part of this application, the business may also be required to directly request from the Ohio Department of Taxation or complete a waiver form allowing the Ohio Department of Taxation to release specific tax records to the local jurisdictions considering the incentive request.

Applicant agrees to supply additional information upon request.

The applicant affirmatively covenants that the information contained in and submitted with this application is complete and correct and is aware of the ORC Sections 9.66(C)(1) and 2921.13(D)(1) penalties for falsification which could result in the forfeiture of all current and future economic development assistance benefit as well as a fine of not more than \$1,000 and/or a term of imprisonment of not more than six months.

Gemini Industrial Machine Group LLC      3/9/18  
Name of Enterprise      Date  
      Jason Johnson President  
Signature      Typed Name and Title

\* A copy of this proposal must be forwarded by the local governments to the affected Board of Education along with notice of the meeting date on which the local government will review the proposal. Notice must be given a minimum of fourteen (14) days prior to the scheduled meeting to permit the Board of Education to appear and/or comment before the legislative authorities considering the request.

\*\* Attach to Final Enterprise Zone Agreement as Exhibit A

Please note that copies of this proposal must be included in the finalized Enterprise Zone Agreement and be forwarded to the Ohio Department of Taxation and the Ohio Development Services Agency within fifteen (15) days of final approval.