

OAK RIDGE CITY COUNCIL MEETING
Municipal Building Courtroom

June 11, 2018

Minutes

The regular meeting of the City Council of the City of Oak Ridge, Tennessee convened at 7:00 p.m. on June 11, 2018 in the Courtroom of the Municipal Building with Mayor Warren L. Gooch presiding.

INVOCATION

The invocation was given by Pastor Derrick Hammond with Oak Valley Baptist Church.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Jana Martin, member of the Secret City Festival Committee.

ROLL CALL

Upon roll call the following Councilmembers were present: Councilmember Kelly Callison; Mayor Pro Tem Rick Chinn, Jr.; Councilmember Jim Dodson; Mayor Warren L. Gooch; Councilmember Charles J. Hope, Jr.; Councilmember Ellen Smith; and Councilmember Hans Vogel.

Also present were Mark S. Watson, City Manager; Kenneth R. Krushenski, City Attorney, Mary Beth Hickman, City Clerk; and Janice McGinnis, Finance Director.

PROCLAMATIONS AND PUBLIC RECOGNITIONS

Public Recognitions

City Council recognized Councilmember Hans Vogel for his service to the City and presented him with a proclamation and framed photograph. Mayor Pro Tem Chinn moved for approval of the proclamation, and all Councilmembers seconded. The proclamation was approved unanimously by voice vote.

City Manager Mark Watson introduced Michael Smith as the new Americans With Disabilities Act Coordinator for the City and recognized Julie Forkner with the Oak Ridge Public Library.

Proclamations

A proclamation honoring Library Director Kathy McNeilly on her retirement and years of service to the City of Oak Ridge.

Councilmember Hope moved for approval of the proclamation, and Mayor Pro Tem Chinn seconded. The proclamation was approved unanimously by voice vote with Councilmembers Callison, Dodson, Hope, Smith, Vogel, Mayor Gooch and Mayor Pro Tem Chinn voting "Aye."

A proclamation designating June 11-17, 2018 as Men's Health Week.

Mayor Pro Tem Chinn moved for approval of the proclamation, and Councilmember Hope seconded. The proclamation was approved unanimously by voice vote with Councilmembers Callison, Dodson, Hope, Smith, Vogel, Mayor Gooch and Mayor Pro Tem Chinn voting "Aye."

SPECIAL REPORTS

(NONE)

CONSENT AGENDA

The following items were removed from the Consent Agenda for discussion:

A RESOLUTION MAKING AWARDS TO ALTERNATE STAFFING, INC., AND OTHER QUALIFIED COMPANIES FOR FURNISHING AS NEEDED TEMPORARY EMPLOYMENT SERVICES FOR THE PUBLIC WORKS DEPARTMENT FOR FISCAL YEAR 2019 IN THE ESTIMATED AMOUNT OF \$100,000.00.

A RESOLUTION WAIVING COMPETITIVE BIDS AND MAKING AN AWARD TO THE BEST PROVIDERS FOR FURNISHING CHEMICALS FOR THE WATER TREATMENT PLANT FOR FISCAL YEAR 2019 IN THE ESTIMATED AMOUNT OF \$700,000.00.

A RESOLUTION WAIVING COMPETITIVE BIDS AND MAKING AWARDS TO STOWERS, BOBCAT, CONTRACTORS MACHINERY, UNITED RENTALS, NORTRAX, AND OTHER SUITABLE COMPANIES FOR AS NEEDED HEAVY EQUIPMENT RENTAL FOR THE PUBLIC WORKS DEPARTMENT FOR FISCAL YEAR 2019 IN THE ESTIMATED AMOUNT OF \$95,000.00.

A RESOLUTION WAIVING COMPETITIVE BIDS AND MAKING AN AWARD TO WASTE MANAGEMENT FOR DISPOSAL OF BIOSOLIDS AT THE CHESTNUT RIDGE LANDFILL FOR THE PUBLIC WORKS DEPARTMENT FOR FISCAL YEAR 2019 IN THE ESTIMATED AMOUNT OF \$165,000.00.

A RESOLUTION WAIVING COMPETITIVE BIDS AND MAKING AN AWARD TO THE BEST PROVIDERS FOR EMERGENCY STREET RESURFACING FOR THE PUBLIC WORKS DEPARTMENT FOR FISCAL YEAR 2019 IN THE ESTIMATED AMOUNT OF \$230,000.00.

A RESOLUTION WAIVING COMPETITIVE BIDS AND MAKING AN AWARD TO MANSFIELD OIL COMPANY FOR FURNISHING UNLEADED AND DIESEL FUEL FOR FISCAL YEAR 2019 IN THE ESTIMATED AMOUNT OF \$469,000.00.

Mayor Pro Tem Chinn moved for approval of the Consent Agenda as amended, and Councilmember Hope seconded.

The Consent Agenda was approved unanimously as amended by voice vote with Councilmembers Callison, Dodson, Hope, Smith, Vogel, Mayor Gooch and Mayor Pro Tem Chinn voting "Aye."

Approval of the May 14, 2018 City Council regular meeting minutes

Approval of the May 22, 2018 City Council special meeting minutes

Approval of the May 29, 2018 City Council special meeting minutes

Resolution No. 6-41-2018

A RESOLUTION WAIVING COMPETITIVE BIDS AND MAKING AN AWARD TO SPILLMAN TECHNOLOGIES, INC., SALT LAKE CITY, UTAH, FOR MAINTENANCE SERVICES FOR THE PUBLIC SAFETY COMPUTER SYSTEM FOR MAY 1, 2018 THROUGH APRIL 30, 2019 IN THE AMOUNT OF \$52,368.68.

Resolution No. 6-42-2018

A RESOLUTION APPROVING A CONTRACT WITH THE TENNESSEE DEPARTMENT OF TRANSPORTATION (TDOT) FOR MAINTENANCE OF STATE HIGHWAYS WITHIN THE CORPORATE CITY LIMITS WHEREBY THE CITY IS REIMBURSED BY TDOT FOR SAID SERVICES IN THE AMOUNT OF \$141,175.05.

Resolution No. 6-43-2018

A RESOLUTION AUTHORIZING THE CITY TO APPLY FOR A "SAFETY PARTNERS" LOSS CONTROL MATCHING DRIVER SAFETY GRANT FROM THE TENNESSEE MUNICIPAL LEAGUE RISK MANAGEMENT WITH A MAXIMUM REIMBURSEMENT AMOUNT OF \$2,500.00 AND TO ACCEPT SAID GRANT IF APPROVED.

Resolution No. 6-44-2018

A RESOLUTION WAIVING COMPETITIVE BIDS AND MAKING AN AWARD TO ORACLE AMERICA, INC., FOR FURNISHING OF ANNUAL MAINTENANCE SERVICES FOR THE FINANCIAL SOFTWARE SYSTEM UTILIZED BY THE CITY FOR FISCAL YEAR 2019 IN THE AMOUNT OF \$28,066.04.

Mayor Gooch made a motion to amend all items that were removed from the Consent Agenda by deleting the words "in an estimated amount of" and replacing with the words "in an amount not to exceed" before each dollar amount. The amendment was seconded and passed unanimously by voice vote.

Resolution No. 6-45-2018

A RESOLUTION MAKING AWARDS TO ALTERNATE STAFFING, INC., AND OTHER QUALIFIED COMPANIES FOR FURNISHING AS NEEDED TEMPORARY EMPLOYMENT SERVICES FOR THE PUBLIC WORKS DEPARTMENT FOR FISCAL YEAR 2019 IN AN AMOUNT NOT TO EXCEED \$100,000.00.

Councilmember Hope moved for approval of the resolution as amended, and Councilmember Dodson seconded. The resolution was approved unanimously by voice vote with Councilmembers Callison, Dodson, Hope, Smith, Vogel, Mayor Gooch and Mayor Pro Tem Chinn voting "Aye."

Resolution No. 6-46-2018

A RESOLUTION WAIVING COMPETITIVE BIDS AND MAKING AN AWARD TO THE BEST PROVIDERS FOR FURNISHING CHEMICALS FOR THE WATER TREATMENT PLANT FOR FISCAL YEAR 2019 IN AN AMOUNT NOT TO EXCEED \$700,000.00.

Mayor Pro Tem Chinn moved for approval of the resolution as amended, and Councilmember Callison seconded. The resolution was approved unanimously by voice vote with Councilmembers Callison, Dodson, Hope, Smith, Vogel, Mayor Gooch and Mayor Pro Tem Chinn voting "Aye."

Resolution No. 6-47-2018

A RESOLUTION WAIVING COMPETITIVE BIDS AND MAKING AWARDS TO STOWERS, BOBCAT, CONTRACTORS MACHINERY, UNITED RENTALS, NORTRAX, AND OTHER SUITABLE COMPANIES FOR AS NEEDED HEAVY EQUIPMENT RENTAL FOR THE PUBLIC WORKS DEPARTMENT FOR FISCAL YEAR 2019 IN AN AMOUNT NOT TO EXCEED \$95,000.00.

Mayor Pro Tem Chinn moved for approval of the resolution as amended, and Councilmember Callison seconded. The resolution was approved unanimously by voice vote with Councilmembers Callison, Dodson, Hope, Smith, Vogel, Mayor Gooch and Mayor Pro Tem Chinn voting "Aye."

Resolution No. 6-48-2018

A RESOLUTION WAIVING COMPETITIVE BIDS AND MAKING AN AWARD TO WASTE MANAGEMENT FOR DISPOSAL OF BIOSOLIDS AT THE CHESTNUT RIDGE LANDFILL FOR THE PUBLIC WORKS DEPARTMENT FOR FISCAL YEAR 2019 IN AN AMOUNT NOT TO EXCEED \$165,000.00.

Mayor Pro Tem Chinn moved for approval of the resolution as amended, and Councilmember Callison seconded. The resolution was approved unanimously by voice vote with Councilmembers Callison, Dodson, Hope, Smith, Vogel, Mayor Gooch and Mayor Pro Tem Chinn voting "Aye."

Resolution No. 6-49-2018

A RESOLUTION WAIVING COMPETITIVE BIDS AND MAKING AN AWARD TO THE BEST PROVIDERS FOR EMERGENCY STREET RESURFACING FOR THE PUBLIC WORKS DEPARTMENT FOR FISCAL YEAR 2019 IN THE ESTIMATED AMOUNT OF \$230,000.00.

Mayor Pro Tem Chinn moved for approval of the resolution as amended, and Councilmember Callison seconded. The resolution was approved unanimously by voice vote with Councilmembers Callison, Dodson, Hope, Smith, Vogel, Mayor Gooch and Mayor Pro Tem Chinn voting "Aye."

Resolution No. 6-50-2018

A RESOLUTION WAIVING COMPETITIVE BIDS AND MAKING AN AWARD TO MANSFIELD OIL COMPANY FOR FURNISHING UNLEADED AND DIESEL FUEL FOR FISCAL YEAR 2019 IN THE ESTIMATED AMOUNT OF \$469,000.00.

Mayor Pro Tem Chinn moved for approval of the resolution as amended, and Councilmember Callison seconded. The resolution was approved unanimously by voice vote with Councilmembers Callison, Dodson, Hope, Smith, Vogel, Mayor Gooch and Mayor Pro Tem Chinn voting "Aye."

PUBLIC HEARINGS AND FIRST READING OF ORDINANCES

Public Hearing

Mayor Pro Tem Chinn moved to open the public hearing on the Community Development Block Grant (CDBG) PY2018/FY2019 Annual Action Plan and proposed allocations of Community Development Block Grant (CDBG) Entitlement Funds for PY2018/FY2019 estimated at \$238,717.00, and Councilmember Smith seconded. The motion was approved unanimously by voice vote.

Seeing no citizen who wished to speak during the public hearing, Councilmember Dodson moved that the public hearing be closed, and Councilmember Smith seconded. The motion was approved unanimously by voice vote.

FINAL ADOPTION OF ORDINANCES

Public Hearing and Final Adoption

Ordinance No. 11-2018

AN ORDINANCE TO PROVIDE REVENUE FOR MUNICIPAL PURPOSES FOR THE FISCAL YEAR BEGINNING JULY 1, 2018, BY IMPOSING A TAX ON ALL PROPERTY WITHIN THE CITY, FIXING THE RATE OF THE TAX, ADOPTING A BUDGET, AND ADOPTING APPROPRIATIONS.

Councilmember Smith moved to open the public hearing, and Councilmember Dodson seconded.

Linda Braden, 317 Pennsylvania Avenue, Oak Ridge, spoke in opposition to the tax increase.

Dennis Toomey, 110 Jarrett Lane, Oak Ridge, spoke in opposition to the tax increase.

Derrick Hammond, 107 W. Melbourne Road, Oak Ridge, asked Council to raise taxes only after all opportunities to find the additional \$160,000 have been exhausted.

Phil Parrott, 122 Wiltshire Drive, Oak Ridge, spoke in opposition to the tax increase.

Bob Smallridge, 108 Carnegie Drive, Oak Ridge, stated that the City has done a good job keeping tax rates flat over the past 10 years, and that two of the projects that will benefit from the tax increase have been in the works for many years.

Kathy Moore, 140 Baltimore Drive, Oak Ridge, stated that she has had trouble finding renters due to the high taxes in Oak Ridge and urged Council not to raise taxes.

Pat Gengozian, 114 Capital Circle, Oak Ridge, stated that if residents want certain amenities such as the Senior Center, then the City must find a way to pay for them. She spoke in favor of the tax increase.

Dr. James Horton, 106 Carson Lane, Oak Ridge, stated that the City was very behind in street repair and that efforts should be made to put more money into this.

Councilmember Callison moved to close the public hearing, and Mayor Pro Tem Chinn seconded. The motion passed unanimously by voice vote.

Councilmember Callison moved for adoption of the ordinance, and Councilmember Vogel seconded.

Mayor Pro Tem Chinn stated that there have been increases in the cost of living through an increase in utility rates. He implored Council to find the money elsewhere.

Mayor Pro Tem Chinn made a motion to transfer \$297,778 out of the golf course fund balance into the general fund with a caveat that the additional \$160,000 be removed. Councilmember Hope seconded.

After discussion, the motion failed by board vote with Mayor Pro Tem Chinn and Councilmember Dodson voting "Aye" and Councilmembers Callison, Hope, Smith, Vogel and Mayor Gooch voting "No."

Councilmember Hope stated that it is not prudent to compare Oak Ridge to Hardin Valley and Farragut with respect to taxation because they are different types of municipalities that do not provide services such as fire and police protection.

Councilmember Dodson stated that the Youth Advisory Board had voiced concerns about safety issues in the schools, and he would like to see an additional school resource officer added.

Councilmember Callison stated that he considered it politically unacceptable to move money out of the golf course fund into the general fund for the sake of transparency.

Councilmember Smith stated that moving reserves resembles a shell game when the city will still need a certain level of funding available to maintain the golf course.

Councilmember Dodson made a motion to direct the City Manager to realign funds within the existing budget to support the funding of an additional school resource officer. Mayor Pro Tem Chinn seconded.

The motion passed by board vote with Councilmembers Callison, Dodson, Hope, Mayor Gooch and Mayor Pro Tem Chinn voting "Aye," and Councilmembers Smith and Vogel voting "No."

Dr. James Horton, 106 Carson Lane, stated if hiring can be deferred under the current budget, then are those positions really needed.

Dennis Toomey, 110 Jarrett Lane, Oak Ridge, stated that if money can be realigned for school resource officers, then money should be able to be realigned to avoid a tax increase.

The ordinance was adopted by board vote with Councilmembers Callison, Dodson, Hope, Smith, Vogel and Mayor Gooch voting "Aye," and Mayor Pro Tem Chinn voting "No."

Final Adoption

Ordinance No. 12-2018

AN ORDINANCE TO AMEND ORDINANCE NO. 2, TITLED "THE ZONING ORDINANCE OF THE CITY OF OAK RIDGE, TENNESSEE," BY AMENDING THE ZONING MAP WHICH IS MADE A PART OF THE ORDINANCE BY CHANGING THE ZONING DISTRICT OF PARCELS 1.31, 1.32, 1.33, 1.34, 1.35, AND 1.37, ROANE COUNTY TAX MAP 30, (APPROXIMATELY 17.97 ACRES) FROM FIR, FEDERAL INDUSTRY AND RESEARCH DISTRICT, TO IND-2, IMDO INDUSTRIAL MANHATTAN DISTRICT OVERLAY, SAID PARCELS BEING BOUNDED BY ZIRCONIUM STREET, AMERICUS AVENUE, TITANIUM STREET, AND HERITAGE CENTER BOULEVARD.

Councilmember Dodson moved for adoption of the ordinance, and Councilmember Vogel seconded. Community Development Director Wayne Blasius provided an overview of the ordinance and answered questions from Council.

The ordinance was approved unanimously by board vote with Councilmembers Callison, Dodson, Hope, Smith, Vogel, Mayor Gooch and Mayor Pro Tem Chinn voting "Aye."

Ordinance No. 13-2018

AN ORDINANCE TO AMEND ORDINANCE NO. 2, TITLED "THE ZONING ORDINANCE OF THE CITY OF OAK RIDGE, TENNESSEE," BY AMENDING THE ZONING MAP WHICH IS MADE A PART OF THE ORDINANCE BY CHANGING THE ZONING DISTRICT OF PARCELS 10.11, 10.12, 10.13, 10.14, and 10.15, ROANE COUNTY TAX MAP 29, (APPROXIMATELY 185.1 ACRES) FROM FIR, FEDERAL INDUSTRY AND RESEARCH DISTRICT, TO IND-2, IMDO INDUSTRIAL MANHATTAN DISTRICT OVERLAY, SAID PARCELS BEING BOUNDED BY PERIMETER ROAD AND POPLAR CREEK.

Councilmember Vogel moved for adoption of the ordinance, and Councilmember Smith seconded. Community Development Director Wayne Blasius provided an overview of the ordinance and answered questions from Council.

The ordinance was approved unanimously by board vote with Councilmembers Callison, Dodson, Hope, Smith, Vogel, Mayor Gooch and Mayor Pro Tem Chinn voting "Aye."

RESOLUTIONS

Resolution No. 6-51-2018

A RESOLUTION APPROVING A RIGHT-OF-WAY ENCROACHMENT AGREEMENT WITH TACALA TN CORP FOR 101 BUS TERMINAL ROAD.

Councilmember Vogel moved for approval of the resolution, and Councilmember Callison seconded. City Manager Mark Watson provided an overview of the resolution, and Community Development Director Wayne Blasius answered questions from Council.

Dr. James Horton, 106 Carson Lane, spoke in opposition to the resolution.

Robert Elliott, owner of Security Square Shopping Center, stated his objection to the entrance and exit to the Taco Bell being put on Bus Terminal Road.

Chris and Karen Wetherall, 111 Graceland Road, opposed the resolution due to the potential danger to many of their patients through increased traffic cutting through their parking lot.

Mayor Pro Tem suggested that staff look at the potential of moving access from Bus Terminal Road further away from Oak Ridge Turnpike.

The resolution was adopted by board vote with Councilmembers Callison, Dodson, Smith, Vogel, Mayor Gooch and Mayor Pro Tem Chinn voting "Aye" and Councilmember Hope voting "No."

Resolution No. 6-52-2018

A RESOLUTION AWARDDING A CONTRACT (FY2018-167) TO PRI OF EAST TN, INC., KNOXVILLE, TENNESSEE, FOR AS-NEEDED PAVEMENT REPAIR AND PATCHING FOR THE PUBLIC WORKS DEPARTMENT IN AN AMOUNT NOT TO EXCEED \$200,000.00.

Councilmember Dodson moved for approval of the resolution, and Councilmember Smith seconded.

The resolution was approved unanimously by board vote with Councilmembers Callison, Dodson, Hope, Smith, Vogel, Mayor Gooch and Mayor Pro Tem Chinn voting "Aye."

Resolution No. 6-53-2018

A RESOLUTION APPROVING THE YEAR 2 FIRE DEPARTMENT PAY GRADE SCHEDULE EFFECTIVE JULY 1, 2018.

Councilmember Dodson moved for approval of the resolution, and councilmember Callison seconded.

The resolution was approved unanimously by voice vote with Councilmembers Callison, Dodson, Hope, Smith, Vogel, Mayor Gooch and Mayor Pro Tem Chinn voting "Aye."

Resolution No. 6-54-2018

A RESOLUTION APPROVING THE PY2018/FY2019 ANNUAL ACTION PLAN AND PROPOSED ALLOCATIONS OF COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ENTITLEMENT FUNDS FOR PY2018/FY2019 ESTIMATED AT \$238,717.00.

Councilmember Vogel moved for approval of the resolution, and Councilmember Smith seconded.

The resolution was approved unanimously by board vote with Councilmembers Callison, Dodson, Hope, Smith, Vogel, Mayor Gooch and Mayor Pro Tem Chinn voting "Aye."

Resolution No. 6-55-2018

A RESOLUTION TO ENCUMBER ALL REMAINING UNSPENT BUDGETED FUNDS AT THE END OF FISCAL YEAR 2018 IN THE FOLLOWING GENERAL FUND ACTIVITIES: 845 INFORMATION SERVICES, 862 FINANCE, AND 951 STORMWATER.

Councilmember Dodson moved for approval of the resolution, and Councilmember Smith seconded. Finance Director Janice McGinnis provided an overview of the resolution and answered questions from Council.

The resolution passed by board vote with Councilmembers Callison, Dodson, Smith, Vogel, and Mayor Gooch voting "Aye," and Mayor Pro Tem Chinn and Councilmember Hope voting "No."

Resolution No. 6-56-2018

A RESOLUTION TO APPROVE AN AGREEMENT WITH RAY EVANS FOR ECONOMIC DEVELOPMENT SERVICES FOR FISCAL YEAR 2019 IN THE AMOUNT OF \$54,000.

Councilmember Dodson moved for approval of the resolution, and Councilmember Callison seconded.

The resolution was approved unanimously by board vote with Councilmembers Callison, Dodson, Hope, Smith, Vogel, Mayor Gooch and Mayor Pro Tem Chinn voting "Aye."

Resolution No. 6-57-2018

A RESOLUTION TO APPROVE AN AGREEMENT WITH STEVE JONES FOR ECONOMIC DEVELOPMENT SERVICES FOR FISCAL YEAR 2019 IN THE AMOUNT OF \$54,000.

Councilmember Dodson moved for approval of the resolution, and Councilmember Callison seconded.

The resolution passed by board vote with Councilmembers Callison, Dodson, Smith, Vogel, Mayor Gooch and Mayor Pro Tem Chinn voting “Aye,” and Councilmember Hope voting “No.”

APPEARANCE OF CITIZENS

Emily Smith, 118 Underwood Road, Oak Ridge, thanked the City for its assistance and involvement with the Secret City Festival.

Amy Poteet, 145 High Point Lane, Oak Ridge, discussed the successes of the Secret City Festival and thanked the City for its assistance.

Meghan O’Neal, 102 William Lane, complimented the kids area that was included as part of the Secret City Festival.

Sue Ann Lewis, 43 Riverview Drive, Oak Ridge, stated that working with the Festival was a tremendous experience.

Joy Henderson, 103 Paris Lane, Oak Ridge, discussed the number of accidents on her street and also issues that needed to be addressed by Codes Enforcement

Martin McBride, 954 W. Outer Drive, Oak Ridge, urged Council to invite the Secretary and Under Secretary of Energy to Oak Ridge to meet some of the original students who integrated the school system.

ELECTIONS/APPOINTMENTS, ANNOUNCEMENTS AND SCHEDULING

Elections/Appointments

Confirmation of nomination of James Charles, III to the Oak Ridge Utility District Board of Directors
Mayor Pro Tem Chinn moved to confirm Mr. Charles’ nomination, and Councilmember Smith seconded. The motion was approved unanimously by voice vote with Councilmembers Callison, Dodson, Hope, Smith, Vogel, Mayor Gooch and Mayor Pro Tem Chinn voting “Aye.”

Announcements

City Manager Mark Watson announced that the south side of Melton Lake Drive will from Palisades to the Rivers Run entrance will be closed on Thursday, June 21st due to the USA Cycling Trials event.

Mr. Watson also informed Council that he will be a guest professor at China University coming up in July and will not be at the July work session.

Scheduling

COUNCIL REQUESTS FOR NEW BUSINESS ITEMS OR FUTURE BRIEFINGS

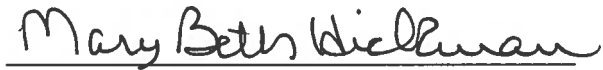
SUMMARY OF CURRENT EVENTS

CITY MANAGER’S REPORT

City Manager Mark Watson briefed Council on the Blankenship Field revitalization project.

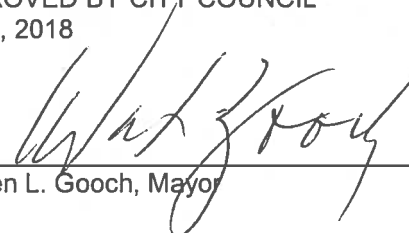
CITY ATTORNEY'S REPORT

ADJOURNMENT: 10:32 p.m.



Mary Beth Hickman, City Clerk

APPROVED BY CITY COUNCIL
July 9, 2018



Warren L. Gooch, Mayor